

A  
Compendious and Accurate  
**TREATISE**  
OF  
**FINES**  
*Upon Writs of Covenant :*  
AND  
**RECOVERIES**

*Upon Writs of Entry in the Post;*

With ample and copious Instructions how to draw, acknowledge, and levy the same, in all Cases. Being a Work performed with great Exactness, and full of Variety of Clerkship.

With an Addition of several Precedents, and many Observations, Rules and Cases concerning the Effect and Operation of Fines and Recoveries.

The Sixth Edition, Reviewed, Corrected, and in this Impression very much Enlarged.

In the SAVOR:

Printed by E. and R. NUTT, and R. GOSLINO,  
(Assigns of *Edw. Sayer Esq;*) for D. Bzoltune,  
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Woodward, F. Clay, B. Potte, and L.  
Sanders. MDCC XXV.



THE  
FIFTH  
EDITION



RECOVERIES

Upon Writ of Habeas Corpus in the Possession  
With ample and copious instructions how  
to draw, acknowledge, and levy the  
same in all Cases. Being a Work per-  
formed with great Exactness, and full of  
Variety of Clerkship.  
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Printed by E. and R. Nutt, and R. Gosling,  
Printers, in the Strand, for D. Baskett,  
at the Golden-Anchor, in St. Dunstons Church,  
and at the Golden-Anchor, in St. Dunstons Church,  
MDCCLXXV.

To the Right Honourable

Sir *Francis North*, Kt.

Lord Chief Justice of  
His Majesty's Court of  
Common Pleas at *West-*  
*minster.*

My LORD,

**T**HE ensuing Precedents be-  
ing wholly applicable to the  
Practice of that Court, wherein  
your Lordship most deservedly holds  
the Place of Chief Justice; and  
the former Part of them consisting  
in Fines only Peculiar to your  
Lordship's High and Eminent  
Office, no Person whatsoever,  
except your Lordship (as Chief  
Justice

## The Epistle Dedicatory.

Justice of the Common Pleas) having Power, without the King's Writ, to take their Cognizance out of the Court; I humbly conceive it most agreeable (in respect of my Duty, and the Nature of the Subject) to submit them to your Lordship's Patronage and Protection.

But, my Lord, in regard there be many Precedents of Fines and Recoveries already in Print, lest I should be taxed of Plagiarism in transcribing such as have been formerly published, I humbly beg Leave to put your Lordship in mind, That what is here offered to your Lordship, and the World, was by your Lordship's signal Favour and Condescension to me first licenc'd in Manuscript; a Favour so transcendent, that only your Lordship's bare Remembrance of it is sufficiently able to silence Detraction.



## The Epistle Dedicatory.

traction, and satisfy the World, that the Precedents in this Compendious, though minute, Treatise, are not borrowed from any Thing already in Print.

Nay, my Lord, on the contrary it would be an Enterprize of no great Difficulty to convince the World, by plain Demonstration, That these Precedents (besides the Esteem they must necessarily acquire by the Approbation of your Lordship and the Honourable Judges of the Court) have moreover abundantly the Advantage of all those of this Kind that hitherto have pass'd the Press, in respect of the Exactness of their Forms, Succinctness of their Method, and Copiousness of the Instructions relating to their Use and Qualifications, I question not but your Lordship (and all judicious Men) will allow to be requisite to a Book of this Nature; and which I do assure



## The Epistle Dedicatory.

fare your Lordship, are hardly to be found in the so much quoted Well's Symboleographia, and not in the Compleat Clerk, though otherwise it be a Collection of Excellent Use and Benefit.

And this Character your Lordship well knows to be agreeable with the Sentiments I had of the Manuscript when it was first offered to your Lordship for Licence. But if the Zeal I have for its Worth (out of respect to those Great Masters of Clerkship, who gave Formation to the Original) hath led me to Expressions unsuitable to the Quality and Grandeur of so Honourable a Person as your Lordship, I humbly beg your Lordship's Pardon for it, and that your Lordship will believe that I have no other Presumption



The Epistle Dedicatory.  
*sumption in this Address, than  
to be esteemed,*

My LORD,

Your Lordship's most Humble,

And most Devoted Servant,

**WILLIAM BROWN.**

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**THE**

The Epistle Dedicatory

in this Address, that  
to be effected

My LORD,

Your Lordship's most humble

And most Devoted Servant,

WILLIAM BROWN.



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## The Introduction to, and Definition of, a FINE.

A Fine is of great Antiquity, yet considered as a common Assurance, is but *Fictio Juris*, though anciently it was the Composure of a real Controversie, and the End of a Suit indeed: For after the Parties had contended by Suit in Law about the Thing in question, many times, they agreed at last, who should have it, and so a Fine was levied of it, and by this there was an End of the Matter. Some have writ, That there neither is nor can be provided by the Laws of the Land, any greater or more noble Security, by which any Person may make his Estate more secure, or produce a more solemn Testimony for the Confirmation of his Estate, than a Fine levied in the King's Court upon Record; yet it must be allowed that in some respects a Common Recovery exceeds it, for a Fine will bar the Heir in Tail, but not him in Remainder or Reversion, but a Recovery bars them all: It is called a Fine, *quia Finem litibus imponit*, & *est exceptio peremptoria*; or it is called *Finalis concordia*, *Quia Finem ponit negotio, adeo ut neutra pars litigantium ab eo de cætero possit recedere*. Glanv. li. 8. cap. 1, 2, 3.

As it is now become a Common Assurance, this Definition may be given of it, *viz.* That it is an Instrument on Record, of an Agreement concerning Lands, Tenements or Hereditaments

The Definition of Fines.

*Co. Inst. 2 part, 511, 514. Co. Litt. 120, 127. Plow. 265, 357. 358. Dyer 368.*  
A Fine may be counted the noblest Assurance, because it is said to be *de dono* or *concessit*, whereas a Recovery seems to be by judicial Process.  
*1 Co. 27. 62.*

They that have a Right of Reversion, or Remainder expectant upon an Estate Tail, or for Life, shall have five Years after their Title comes unto them to make their Claim.  
*Co. Inst. 2. p. 518.*  
Note, that these Fines have

much of their Growth and Effect from the Statutes 4 H. 7. 24. & 32 H. 8. 6. Of which and the reason, see more in the Introduction to Common Recoveries. A Fine may be levied upon a Writ of Right, or *Warrantia Chartæ*, &c.



## Fines.

ments duly made by the King's License, or by the License of his Justices, and acknowledged by the Parties to the same upon a Writ of Covenant, (or some such like Writ) before the Justices of the Common Pleas, or others thereunto authorized, and ingrossed of Record in the same Court, to end all Controversies thereof, both between themselves which be Parties and Privies to the same, and all other Strangers not suing or claiming in due Time.

It doth countervail a Feoffment with Livery and Seisin, and doth include all that is in a Feoffment, but is of greater Efficacy, and therefore is called a Feoffment upon Record.

By this a Man may convey his Land to another in Fee-simple, Fee-tail, for Life or for Years, and that with a Reservation of Rent also.

*Note,* He by whom the Fine is acknowledged is called the Cognizor, and he to whom it is acknowledged is called the Cognizee.

### *Of the severall Kinds of Fines.*

Division of  
Fines.  
Single Fine.

**S**OME distinguish Fines to be either single or double.

The single Fine is That, by which an Estate is granted by the Cognizor to the Cognizee, and nothing is thereby rendred back again by the Cognizee to the Cognizor.

Double Fine.

The double Fine is that which doth contain a Grant, or Render back again from the Cognizee to the Cognizor, as of the Land itself, or of some Rent, Common, or other Thing out of it; many Times limiting Remainders to Strangers not named in the Writ of Covenant, and sometimes with Reservation of Rent, Clause of Distress, and Grant of the same over.

Others divide these Fines into four Kinds;

as

I. A.



## Fines.

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1. *A Fine sur Cognizance de Droit come ceo,*  
*&c.*
2. *A Fine sur Dove, Grant & Render.*
3. *A Fine sur Cognizance de Droit tantum.*
4. *A Fine sur Concessit.*

*A Fine sur Concessit* is such a Fine as where the Cognizor is seised of the Lands contained therein, and the Cognizee hath no Freehold therein, but it passeth by the Fine; This Fine is said to be Executory, so that the Cognizee or Cognizees therein must enter, or have a Writ of *Habere facias seisinam*, according to their several Cases for the obtaining the Possession, if the Parties to whom the Estate is limited at the Time of levying such Fine, be not in Possession of the Thing granted: but if they be in Possession at such Time, there needs not any such Writ, or any Execution of the said Fine to put them in Possession; for then the Fine will enure by way of Extinguishment of Right, and doth not alter the Estate or Right of the Cognizee, however perchance it may better it.

*Fine sur concessit, what.*

See after for the Precedents. It begins thus:

*Et est Concordia talis scilicet qd' pred. A. concessit & reddidit Tenementa pred' cum pertin' præs'at' B. & hæredibus suis duran' vita ipsius A. Et pred' A. warran' Tenementa pred' cum pertin' præs'at' B. & hæred' suis durante vita ipsius A. Or thus,*

*Et est Concordia talis, quod pred' A. concessit pred' B. Tenementa pred. &c. habend' eia' B. pro termino vitæ suæ, &c. or to the like Effect: See another Form after.*

## Fines.

**Fine sur Cognizance de Droit tantum, what.**

\* It is so called, for that the Words *Come ceo que il ad de son done*, or rather *ut illi que idem* (the Cognizee) *habet de dono* of the Cognizor, are left out.

\* If the Cognizee hath the Freehold of the Land, it is there called a *Fine sur Release*, and needs no Seisin upon it, if the Party be in Possession, as before observed.

**Fine sur Done, Grant & Render, what.**

If the Party be in Possession, it may be said to be executed, and need no Writ of Seisin; otherwise it is executory.

5 Co. 38.

**Note,** The Render of a Fine cannot be without Writing to any other Use.

*Ms. Rep.* 679.

A *Fine sur Cognizance de Droit tantum*, is also said to be \* executory and much of the Nature of a *Fine sur Concessit*; it is used commonly to pass a Reversion, and then it is expressed by such Fine, that the particular Estate is in another, and that the Cognizor willeth, that the Cognizee shall have the Reversion, or that the Land shall remain to him after the particular Estate spent.

And sometimes it is used by Tenant for Life to make a Release (in the Nature of a Surrender) to him in Reversion, but not by the Word Surrender; for it is said a particular Tenant, as for Life, cannot surrender his Term to him in Reversion or Remainder by Fine, but he may grant and release to him by Fine. 44 E. 3. 36. 3 Co. 86. Dy. 216. Plow. 268. See *Precedents post*.

**Note,** A Fine upon a Release may not enure to an Use. *Co. Inst.* 3. 36.

A *Fine sur Done, Grant & Render*, is that which is called a double Fine, as is before observed; being in a manner two Fines (that is to say,) A *Fine sur cognizance de Droit come ceo*; and a *Fine sur Concessit*, both formed into one, whereby the Cognizee after a Release and Warranty made to him by the Cognizor of the Lands contained therein, doth grant and render back to the Cognizor the Lands, &c. or some Part thereof, and many Times limiting thereby Remainders to Persons that are Strangers, and not named in the Writ of Covenant: This Fine is partly executed, partly executory, and as to the first Part of it, is altogether of the same Nature with a *Fine sur Cognizance de Droit come ceo*; but as to the second Part containing a Grant and Render-back (as aforesaid) it is taken in Law to be rather a private Conveyance or Charter between Party and Party, and not as a Writ of Judgment upon Record.

See



## Fines.

See the Precedent after.

This Render is sometimes of the whole Fee, and sometimes of a particular Estate with Remainder or Remainders over, or the Reversion; and sometimes with Reservations of Rents with Distress, and sometimes with a Grant thereof over by the same Fine.

*Note,* A Render must be made upon a *come ceo, sur Release*, or other Fine executed.

A *Fine sur Cognizance de droit come ceo que il ad de son done*, single, is the principal, best and surest kind of Fine; it is said to be executed, because it doth of its own force give present Possession (at least in Law) to the Cognizee, so that he needeth no Writ of *ha' fac' seisinam*, or other Means for the Execution thereof; for it doth admit the Possession of the Lands of which the Fine is levied to pass by the Fine, so that the Cognizee may enter, for that the Estate is thereby (in Law in the Cognizee: That is to say, to such Uses as are declared in the Deed to lead the Use thereof; for this is a general Maxim, that unless it be declared by Deed, or otherwise, to what Use the Fine was levied, such Fine shall be and enure to the Use of the Cognizor that levied the same. This Fine is levied with Proclamations, according to the Form of the Statute 4 H. 7. ch. 24.

A Fine sur Cognizance de Droit come ceo, &c. what.

This is a Feoffment upon Record, and doth imply in it the Livery and Seisin.  
*Pract. Regist.*  
148.  
*Benl. Rep.* 134.

See the Precedent of this after.

Also a Fine is either with Proclamations or without Proclamations, and executed or executory. That without Proclamations is termed a Fine at the Common Law, and is levied in such manner as was used before 4 H. 7. 24, which still remains of such Force as they were at the Common Law, to discontinue the Estate of the Cognizors, if they be executed.

*Dyer* 216. p. 54.  
*Plow.* 265. b.

That with Proclamations, is term'd a Fine according to the Statutes 1 R. 3. 7. 4 H. 7. 24. And such a Fine is every Fine (that is pleaded)

Proclamations.  
32 H. 8. 36.  
31 El. cap. 3.



3 Cro. 692.  
Election.

intended to be, if it be not shewed what Fine it is. And these Fines with Proclamations are the best Sort, and most used; and it is said to be in the Election of the Cognizee to have it with or without Proclamations; and if there be Error in the Proclamations, yet the Fine shall be taken as a good Fine at Common Law without Proclamations. *Jenk. Cent. 6. Case 53. 2 Co. Inst. 419.*

Executed or  
Executory.

A Fine also with or without Proclamations is either executed or executory: Executed, is such a Fine as of its own Force gives present Possession, as a *Fine sur Cognizance de Droit come ceo*: And in some Respects a *Fine sur Release*, Confirmation or Surrender is said to be executed.

Executory does not execute a Possession without Entry or Action, as a *Fine sur Cognizance de Droit tantum*, when the Cognizee hath no Freehold, &c. *sur Concessit, sur Dono, Grant & Render*, and requires a Writ of Seisin, unless the Party be in Possession of the Lands, as before observed.

And Note, That almost any Kind of Contract may be made and expressed by a Fine, as it may by a Deed in the Country; and therefore it may be so made, That one of the Parties shall have the Land, and the other a Rent out of it, and that one shall have for one Time, and another for another Time: By a Fine also a Lease for Years, or a Jointure for a Wife may be made; and by a Fine a Gift in Tail, and a Remainder over may be limited and created. *1 Co. 76.*

Also an Heriot may be reserved with Clause of Distress.

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*Of the Parts of a Fine.*

**A** Fine is said to be made up of five Parts.

1. The original Writ against the Cognizor.
2. The Composition or King's License to alienate.
3. The Concord.
4. The Note of the Fine.
5. The Foot of the Fine: And to this may be added a sixth Part, if the Fine be to be levied with Proclamations.

As to the first, The Writ of Covenant is the usual Writ Original, taken out by the Cognizee or Cognizees, against the Cognizor or Cognizors to the Fine, for without an Original a Fine cannot be levied; yet a Fine may be levied upon any Writ of Right, or other Writ whereby Land is demanded, or recovered. It begins thus:

<sup>1.</sup>  
Writ of Cove-  
nant.

Midd' *Præcipe* A. B. *qd' iuste, &c. teneat, &c.*  
D. *Conventionem, &c.*

The Composition or King's License to alien the Land, for which the King hath a Fine or Sum of Money, which is called the King's Silver.

<sup>2.</sup>  
King's License.  
and Silver.

The Concord or Agreement between the Parties that intend the levying the Fine, wherein is declared how, and in what Manner the Things contained in the Writ shall pass; and as the Writ of Covenant is the Foundation, so this is the Substance of the Fine.

<sup>3.</sup>  
The Concord.

And Note, That if the King's Silver be entered, and endorsed upon the Writ of Covenant by the Clerk for that Purpose, although the Cognizor die before the Fine come to the Chirographer, yet is the Fine good for the other two Parts, viz. The Note, and the Foot of the Fine are but Abstracts taken out of this. It begins thus, viz.

*Et est Concordia talis scilicet qd. pred. A. recogn. Tenementa pred. cum pertin. esse jus ipsius B. &c.*

4.  
The Note of  
the Fine.

The Note or Abstract is taken out of the Writ of Covenant and Concord by the Chirographer before it be engrossed. It begins thus, *Int' A. B. Quer. & C. D. deforcientem, &c.*

5.  
The Foot of  
the Fine.

The Foot of the Fine includeth the whole Fine; The Parties to the same, the Thing granted, the Day, Year and Place, and before whom the Concord was made: And this is called the Foot, because it is the last Part of the Fine; and when this is done, the Fine is engrossed of Record, and the Indentures made by the Chirographer, and delivered for the Party to whom the Cognizance is made, and then is the Fine said to be ingrossed.

5 Co. 38, 43.  
Co. 2. Inst. § 14.

Poph. 62.  
Moor Rep. 356.

Next we must consider the Proclamations made upon the Fine, which although they be not the essential Parts of the Fine, yet upon every Fine made according to the Statute they must be made, and being made, they do make a Bar accordingly to what doth pass.

Proclamations.

These Proclamations were appointed first by the Statute 1 R. 3. 7, (though afore that Time by the Statute *de Finibus levatis*, Fines were openly to be read at two certain Days in the Week (by the Discretion of the Justices,) and by

this

this Statute of *Richard* the third, Fines at the Common Law have the same Force they had before, and might be levied according to that Statute, or the Common Law, at the Election of the Parties. See the Statute.

The Proclamations were to be made four several Days in each Term, during four succeeding Terms, by the Statute 1 R. 3. 7. 4 See the Statute.  
H. 7. 24. 32 H. 8. 36. But by the Statute 31 El. 2. Fines in the Common Pleas shall be proclaimed four Times only, viz. Once in the Term wherein the Fine is ingrossed, and once in each of the three Terms then next following.

If any Proclamation be made upon a Sunday, it is Error, because it is not *dies Juridicus*, *Dyer* 128.

*Who may be Cognizors.*

**H**AVING considered a Fine in all its Parts; we come next to observe who may be Cognizors and Cognizees in Fines, and by what Names.

Such Persons either Male or Female, or Bodies Sole or Corporate, that may lawfully grant by Deed, may be Cognizors in Fines. All Persons that may lawfully grant by Deed, may be Cognizors.

But yet there ought to be great Care taken, that many of them are such, who may not be admitted to levy Fines; as an Infant, a Woman Covert, an Idiot or Lunatick, one that is Blind, Deaf and Dumb, one that is doting in old Age, or wants Discretion, or one that is much in Drink, or Compelled by Duress or Imprisonment; it is left therefore to the Discretion of the Judges or Commissioners whom to admit; for though many of these have the Liberty of Exception against such a Fine, yet it may happen not to be in their

4 Co. 124.  
12 Co. 124.  
Co. Lit. sect 731.



their Power to avoid it, *Fieri non debet, sed factum valet*, of which more hereafter.

## Corporations.

2dly, Such Corporations Civil, as have an absolute Estate in their Possessions, belonging to there Corporations, as a Mayor and Commonalty, &c. may together, and with a joint Consent levy a Fine of the Land belonging to their Corporation, as a single Person may do; but no one of the Corporation, though he be the Head thereof, nor any of the Members, without the general Consent of the whole Corporation, can levy a good Fine.

## Spiritual Person.

21 Ed. 4. 13.  
Plowd. 11, 78,  
122, 124, 538,  
575.  
11 Co. 78.

Also Bishops, Deans and Chapters, Heads and Fellows of Colleges, and such like who have any Estate of Freehold in Ecclesiastical Lands in Right of their Churches, &c. are forbidden and restrained by divers Acts of Parliament from levying any Fines of their Lands belonging unto them; but of the Lands such Persons have in their own Right, they may levy Fines as other Persons may do.

## Tenant in Tail of the King's Gift.

Also he that hath an Estate-Tail of the King's Gift or Provision, cannot levy a good Fine of it to bind the King, or to bind the Issue in Tail, by 32 H. 8. cap. 28.

## Intruder upon the King.

Also a Fine levied by the Heir, that is an Intruder upon the King's Possession, is void. 1 H. 7. 5. 24 Ed. 3. 65.

## Lands prohibited by Act of Parliament.

Also Fines levied of any Lands, prohibited to be sold by Act of Parliament, are void. Stat. 32 H. 8. cap. 36 and 28. And he that hath an Estate in Fee-simple in Land in the Right of his Wife, is forbidden to levy a Fine without her. *Ibidem*.

## By Husband of the Wife's Land.

So that the Persons that levy a good Fine, must be such, and must have such an Estate in the Land, as they are not prohibited by any Law to levy the Fine, otherwise the Fine will be void.

## Void Fine.

## Fines.

11

But Persons who are outlawed, or waved in personal Actions only, may levy a Fine. Persons outlawed.

And Persons attainted of Felony or Treason may levy by Fine, and it will be good against them and all others, except the King, and the Lord of whom the Land is held. 17 *Ed.* 3. 52. 27 *Aff.* pl. 17. 21 *H.* 7. 7. 9 *H.* 6. 20. 8 *Aff.* 25. Therefore Care ought to be taken how such Fines are levied. Attainted of Felony or Treason.

A Joint-tenant, Tenant in Common, or Partner, may levy a Fine of the Land so held by him to a Stranger, or to another Joint-tenant, Tenant in Common or Partner. 26 *H.* 8. 9. *Dyer* 69. 334. *Plow.* 338, 378. 11 *E.* 4. 68. Joint-tenant, &c.

Also Tenant in Fee-simple, in Remainder or Reversion.

Tenant for Life, it's said, may levy a Fine *sur Grant & Release*, of the Lands which he holdeth for Life, to hold to the Cognizee for Life of the Tenant for Life. 44 *Ed.* 3. 36. But if the Estate be larger, it is a Forfeiture of his Estate. 4 *H.* 7. *Noy.* 30. Tenant for Life.

And so the Law is the same of such Fines by Tenant in Tail, after Possibility, Tenant in Dower or by the Courtesy. 39 *Ed.* 3. 16. Tenant in Tail.

But it seemeth to be no Forfeiture of a Rent. 2 *H.* 5. 7.

### Who may be Cognizees.

ANY Person that hath a Capacity to take by the Grant of a Deed, so as to be a good Grantee, such a Person may be a good Cognizee in a Fine. So any Man or Woman, Sole or Covert, of full Age or under Age; any mad or lunatick Persons, Idiot, or Man *de non sane memory*; so any Man in or out of Prison, All Persons having Capacity to take by the Grant of a Deed may be Cognizees.  
or

50 Ed. 3. 9.

3 H. 6. 42.

24 Ed. 3. 62.

Corporations.

Infant and  
Feme Covert.Persons civilly  
dead.

3 Co. 29.

7 Ed. 4. 43.

5 H. 7. 40.

or beyond Sea, any Person attainted of Felony or Treason, or outlawed in a personal Action, a Bastard, a Clerk convict, an Alien; any of these may be a good Cognizee, and take by a Fine as well as by a Deed; and a Fine levied to any such Person will be good.

So Corporations Spiritual and Temporal, Civil or Corporal, may be Cognizees in Fines, and Fines levied to them will be good.

But before the ingrossing of such a Fine, there goeth always a Writ to the Justices of the Common Pleas, *Quod permittant Finem ill. levari.*

If an Infant or Feme Covert be to take by Fine, he or she need not be examined, as when they are Conusors in a Fine. 24 E. 3. 62. 3 H. 6. 41.

Persons who by our Law are accounted civilly dead, as Monks, Friars, and the like, may neither be Cognizors nor Cognizees in Fines, nor will a Fine levied by or to any of them be good. 22 E. 4. 4. 15 E. 4. 21. 5 H. 7. 25. 19 H. 6. 25.

And Note, That a *Fine sur Cognizance de Droit come ceo*, &c. may not be levied to any Person, but to one that is Party to the Writ of Covenant; yet a Vouchee after he hath entred into the Warranty to the Demandant, it's said, may confess the Action, or levy a Fine to the Demandant; for he is then supposed to be Tenant to the Land. So a Fine or Release from the Demandant to the Vouchee is good, and yet they are not Parties to the Writ; but a Fine levied by the Vouchee to a Stranger is void.

By



By what Names Cognizors and Cognizees may give and take in a Fine.

Cognizors and Cognizees, in Fines, ought to be called by their right Names of Baptism and Surname; and if there be two of one Name, it is most proper and safe to distinguish them by the Distinction of Elder or Younger, and the like.

But Kings, Queens, Princes, Dukes, Marquesses, Earls, Viscounts or Barons are seldom named by their Surname, but by their Christian Name and Dignity; as *Jacobus Rex Angl.* *Carolus Princeps Wallie*, *Johannes Dux Lancastrie*, &c.

But Knights, Esquires and Gentlemen are called by their Christian Name and Surname, together with their Additions of Honour; as *A. B. Bar.* *C. D. Mil.* *E. F. Armig.* *G. A. Gen.* &c. And the Addition of Bishop, Dean, Prebendary, &c. it's said, are rather used out of Courtesy than Necessity, for the Fine may be good without them. 21 E. 4. 8. 1 Aff. pl. 11. 7. H. 4. 22. 14 H. 6. 15. 1 Brownl. 30.

A Corporation or Fraternity must be described by the very true Name of the Corporation, as it is named in the Charter and Foundation of it. 11 H. 9. 44. 12 H. 4. 20. 7 H. 6. 27. 37. H. 6. 29.

Some small Difference in a Name, it's said, will not hurt; as *Margery* for *Margaret*, *Agnes* instead of *Anne*; yet a Fine levied to *A.* and *Sibel* his Wife, where her right Name was *Isabel*, was held void. 1 Aff. pl. 11. Bro. 344.

Two of one Name.

Names of Dignity.

Titles of Honour.

Corporation, how to be named.

Small Difference in a Name hurteth not.

But

Wife named  
wrong.

But if a Fine be levied by a Man and his Wife, and the Wife is named wrong, it's said this Fine shall bind her by Estoppel. *Bro. 344 Case.*

Wife misnamed.

Yet if a Woman have two Husbands living, and with her second acknowledges a Fine by his Name, this Fine it seems is void; but if a Woman levy a Fine with her right Husband, and by a wrong Christian Name, she cannot avoid such a Fine. *Bro. Fines 17. 1 Aff. pl. 7. 7. H. 4. 22.*

Female sole  
marry before  
the Day in  
Bank.

If a Feme sole after the *Teste* of the Writ of Covenant, and *Dedimus potest.* to take the Cognizance of a Fine of her, and before the Day in Bank to record and ingross it, marry, yet the Fine shall be good and recorded by the Name she had when sole; but her Death at such Time will make the Fine void.

Death before  
Day in Bank.

*By what Names the Parcels may pass and be placed.*

**N**EXT we must consider by what Names the Things whereof the Fine is to be levied, may pass, and how the Parcels are to be placed therein.

A Fine may be levied of all Things, whereof either a *Præcipe quod reddat*, or a *Præcipe quod faciat*, or a *Præcipe quod permittat*, or a *Præcipe quod teneat*, lieth: It may be levied of Things Ecclesiastical or Temporal that are inheritable and *in esse* at the Time of the levying of the Fine: So a Fine may be levied of an

Honour,  
Manor,  
Island,

Barony,

Mill,  
Toft,  
Curtilage,

Dove-

Bar  
Caf  
Me  
Cott  
Me  
Paf  
Woo  
Und  
Cba  
Riv  
Cba  
Par  
Red  
Adv  
Vica  
Tith  
Eftor  
Fold  
Coroa  
Office  
Fifbin  
Warr  
Fair,  
Mine  
View  
Waif  
Stray  
Bu  
will n  
32 H.  
Ma  
one P  
Acres  
as Occ  
So  
Rent,  
Pound  
3 Co. 4

# **Fines.**

25

<b>Barony,</b>	<b>Dove-house,</b>
<b>Castle,</b>	<b>Garden,</b>
<b>Messuage,</b>	<b>Orchard,</b>
<b>Cottage,</b>	<b>Land,</b>
<b>Meadow,</b>	<b>Felons Goods,</b>
<b>Pasture,</b>	<b>Deodand,</b>
<b>Wood,</b>	<b>Hospital,</b>
<b>Underwood,</b>	<b>Purges,</b>
<b>Chapel,</b>	<b>Heath,</b>
<b>River,</b>	<b>Moor,</b>
<b>Chantry,</b>	<b>Rent,</b>
<b>Parsonage,</b>	<b>Common,</b>
<b>Rectory,</b>	<b>Hundred,</b>
<b>Advowson,</b>	<b>Way,</b>
<b>Vicarage,</b>	<b>Ferry,</b>
<b>Tithes impropriate,</b>	<b>Franchise,</b>
<b>Estovers,</b>	<b>Seignior,</b>
<b>Foldage,</b>	<b>Reversion,</b>
<b>Corody,</b>	<b>Toll,</b>
<b>Office,</b>	<b>Tollage,</b>
<b>Fishing,</b>	<b>Picage,</b>
<b>Warren,</b>	<b>Pontage,</b>
<b>Fair,</b>	<b>Acquittal,</b>
<b>Mine,</b>	<b>Services,</b>
<b>View of Frankpledge,</b>	<b>Portion of Tithes,</b>
<b>Waife,</b>	<b>Oblations, and the</b>
<b>Stray,</b>	<b>like</b>

But a Fine levied of ancient Demefne Lands will not be good. See *West. Symb. Part 2. Stat. 32 H. 8. cap. 7. 8 Co. 145.*

Many of these may be granted together in one Fine; as 50 Messuages, 40 Tofts, 300 Acres of Land, and 50 Shillings of Free Rent, as Occasion requires.

So of a Dove-house, 3 Gardens 2 l. 6 s. 4 d. Rent, and of the Rent of four Capons, one Pound of Wax and the like, all in one Fine. 3 Co. 45. 6 Co. 67. 7 Co. 38.

Many of one Sort granted.

Rent.

De-



Demefnes.

Demefnes, Rents, Seigniories, Courts, Pleas, &c. whereof a Manor confisteth, pafs by the Name of *Manerium cum pertinentiis*. 3 Inft. 312.

The Nature and Quality of the Things.

The Nature and Quality of the Things muft alfo be obferved; as Land, Meadow, Pasture, &c. and the Place where they lie.

More worthy Things firft.

The more worthy Things muft be put firft, as a Caftle before a Manor, a Manor before a Meffuage, a Meffuage before Land, Arable before Meadow. *Plow.* 168. 7 H. 6. 39.

Things general.

Things General before Things Special, as before Meadow, Pasture, Wood, Heath, Marsh, &c. muft be placed Land, that being the *Genus* thereto.

So *Bofcus* muft precede *Alnetum*, *Salicetum*, &c. as Wood is the *Genus* to Wood-Ground.

For the placing of Particulars in a Writ of Covenant, is in all Things as in a *Præcipe qd reddat* of Lands.

Reg. Orig. f. 2.

And for this there is a Rule in the Register, which is thus fet down after this Manner.

fuagium,	um,	endinum,	umbare,
Mef	Toft	Mol	Col
dinum,	ra,	tum,	tura,
cus,	ra,		
Gar	Ter	Pra	Paf
ria	cus	tum,	caria,
Mora,	Junca	Marif	Alne
Pif			
ditus,			

Red Sectare Priora.

Intire Things.

Alfo intire Things muft be fet before their Parts; as *de Manerio de C. & Medietat. Manerii de B. cum pertin.* &c.

Things excepted muft be laft placed.

Parts of Things excepted, muft fucceed thofe Things out of which they be excepted; and if there be divers Parcels in one Writ, that Parcel out of which the Exception is to be made, ought to be laft placed; as thus, *De Manerio de*

*D. cum pertin. in C. Except. uno Mesuagio, duabus Acris Terræ & Advocacione Ecclesiæ de C. &c. Regist. Orig. fol. 6. See after.*

And every Thing excepted ought to be certainly named, but it needeth not to say *cum pertinentiis*, after the Thing excepted. 40 E. 3. 35.

Things excepted, certainly named.

And the Exception must always be of such Things as will lie in the Writ, *Regist. Origin. 228, 229*, and of such a Thing as is comprehended in the Writ, and it is after this Manner. *Præcipe A. B. qd. juste, &c. ten. C. D. Convention. &c. de uno Mesuagio, uno Cottagio & medietat. unius Mesuagii & decem acr. terræ cum pertin. Except. una acra Terræ in E. &c.* and when come to the Concord, you say, *Et est Concordia talis scilicet qd. pred. A. recogn. Tenementa pred. cum pertin. (Except. præexcept.) esse jus*, but more concerning the Concord hereafter.

Of what the Exception must be.

Also observe that where the original Writ is of many Things, they must be expressed thus, suppose it were of a Manor, House, Rectory, &c.

First, *De uno Manerio*, secondly, *Ac de Re-Floria*; thirdly, *Necnon de Mesuagio*; for the fourth Thing, *Acetiam*; for the fifth, *Præterea*; for the sixth, *Ac ulterius*; for the seventh, *Acetiam*; and for the eighth, *Ac insuper*, and if there be more, then to begin again.

The Words for the dividing of Things, are eight.

1 *De*, 2 *Ac*, 3 *Necnon*, 4 *Acetiam*, 5 *Præterea*, 6 *Ac ulterius*, 7 *Acetiam*, 8 *Ac insuper*.

And to be repeated, *viz.*

Again, Observe that certain and apt Words must be used to express the Things to pass by the Fine; for a Fine levied *de Tenemento*, or *de Hereditamento*, or *de duobus Tenementis*, is void, or at least voidable for Error, because of the Uncertainty and Unaptness of the Words. 1 Cro. 196. Leon. 188.

- Unapt Words.** For the proper Word to express a Tenement or Hereditament in a Fine is *Mesugium*, as *de uno Mesuagio*, or *duobus Mesuagiis*, &c.
- How a Manor may pass.** One Manor may also be Parcel of another Manor, and pass by the Name of that Manor, 20 *Aff. pl. 54.*
- Castle, Honour or Hundred.** Also a Castle, Honour or Hundred may be Parcel of a Manor, and pass by the Name of the Manor whereof it is Parcel; or it may pass by its own proper Name, as *de Castello de A. cum pertin.* or *de Hundred. de A. cum pertin.* or *de Honore de A.* 1 *E. 3, 4.* 2 *E. 3. 36.* 20 *Aff. pl. 54.*
- The Parish, Town and County, &c.** Also the County, Town, Parish or Hamlet where the Things lie that are intended to pass by the Fine ought to be certainly named. In 2 *Cro. 120.* *Stock and Fox's Case*, it is said, That if there be two Towns, *Walton* and *Street*, in the Parish of *Street*, and a Fine is levied of such Lands in *Street*; in this Case the Lands in *Walton* will not pass by this Fine, *Walton* being a distinct Town or Village by it self; and although *Street*, the Parish, comprehend both, yet in the Fine the Lands in *Walton* shall not be said to be comprised, unless *Walton* had been a Hamlet of *Street*, and that the Fine had been levied of Lands in the Parish of *Street*, then all would have passed well enough.
- Example.** If there be divers Towns of own Name in the same County, it is best to make an Addition for Distinction.
- Several Towns of the same Name.** If a Manor extend it self into divers Towns, as *A. B. C.* it is the best and safest to Name all the Towns, or none of them at all, as *de Manerio de S. in A. B. & C.* or *de Manerio de S. cum pertin.* for if any one of the Towns be omitted, none of the Manor in that Town will pass; but it seems that if the Manor be only named, and

and not said in what Town it doth lie, the Fine may be good. 9 E. 4. 6.

Also where divers Manors be of one Name, with Distinction of North and South, as *North S.* and *South S.* it is good in all the Proceedings of the Fine, to express which of the Manors is intended to be passed. 1 Cro. 196. *Bro. Fines* 44. 91.

Several Manors of the same Name.

When a Fine is but for the Presentation to a Church only, it must be *de Advocatione Vicarie Ecclesie de S.* and not *cum pertin.* and of Vicaridges endowed, the Writ must be *de Advocatione Vicarie Ecclesie de S.* and not *cum pertinentiis*. And where the Vicaridge is not endowed, it must go under these Words, *de Advocatione Ecclesie de S.* and Parsonages, Rectories, Advowsons, Vicaridges and Tithes impropriate pass not by the Words, *De Advocatione Ecclesie*, but by this, *de Rectoria Ecclesie de S. cum pertin.* *West. Symb.* 2 Part.

Fine of a Presentation.

Vicaridges endowed.

Not endowed.

Parsonages, Rectories, &c.

Highwood and Underwood may pass by the general Name of Wood, as *de viginti Acr. Bosci*, *West. Symb.* 2 Part.

Highwood and Underwood.

House-boot, Hay-boot and Plow-boot by the Name of Estovers, as *de rationabili Estoverio in Boscis*, viz. *in decem Acris Bosci ipsius A. in D.* *West. ibid.*

House-boot, Hay-boot, &c.

A Fishing may pass by the Name of *separali Piscaria in aqua de S.*

A Foldage may pass by the Name of *de libertat. unius Faldagii & Cursu Ovium cum pertinent. in F.* or *de libero Faldagio Ovium cum pertin. in F.* or *de libera Falda.* *West. Symb.* 2 Part.

A Foldage.

A Chapel or Hospital will pass by the Name of a Messuage. 13 Aff. 2.

A Chapel.



*Messuagium* is a Dwelling-house.

*Curtilogium*, a Garden or Yard near or belonging to a Messuage.

A Toft is a Place wherein a Messuage hath stood.

Part of intire Things.

Manor divided

Messuage, &c. divided.

*Molendinum*

Land demanded, how.

So by the Name of a Messuage, with the Appurtenances may pass a House, with a Shop, Curtilage, Garden, Orchard, also a Dove-house and Mill, as Parcel thereof. *Bract. lib. 3. cap. 28. sect. 1. Plow. fol. 169, 170, 171.*

So by the Name of Cottage, a Toft, a Chamber, a Cellar, &c. may pass, and yet these also may pass alone by their own single Names of *de uno Mesuagio, uno Curtilagio, &c. West. in supra.*

Part of an intire Thing may pass by the Words *de medietate, de tertia parte, or de duabus partibus in tres partes dividend.* (as the Case requires) so *de Medietate omnium decimarum Granorum & Feni ac Terræ vocat. B. cum pertin. in H.*

But if an intire Thing, as a Manor, or Messuage be parted, as if the Manor of *S.* be divided into two Parts, and the Division be so made, as that the Manor for that Part be not extinct, and a Fine is to be levied of Part of it; it must pass by the Name of the whole, as *de Manerio de S.*

So if a Messuage and 23 Acres of Land be parted, the Part divided may pass by the Name of one Messuage, and ten Acres of Land, and not *de Medietate unius Mesuagii & viginti & trium acrarum terræ.*

*Molendinum* is good without adding *ventriticum, or aquaticum or granaticum*, yet the latter is most usual. *44 E. 3. f. 13.*

Land may be demanded by a certain Number of Acres, *de decem Acris Terræ, viginti Acr. Prati, ducent. Acr. Pasturæ, &c.* or by the certain Measure of the superficial Quantity thereof, as *de Hida, Carucata, Bovata, Virgata, Acra, Roda, Furlingo Terræ, &c.*

In like Manner *Boscur, Subboscur, Bruera, Boscur, Subbos-*  
*Mora, Juncaria, Mariscus, Alnetum & Rusca-*  
*ria,* may be demanded by the Number of  
 Acres thereof. 16 Aff. 9.

Turbary may be demanded by the Name Turbary.  
 of *Mora*, Rent, by the Number of the Things,  
 or that which is to be rendred; as *decem. Libr.*  
*decem Marc. duodecim Solid. sex Denar. un. Obol.*  
*&c.* 21 E. 3. 44.

But Note, That it is usual in Fines to com-  
 prehend more Numbers of Acres than are in-  
 tended to pass, and this will not hurt; for in  
 such Case no more shall pass than what is in-  
 tended and agreed upon between the Parties,  
*Poph. Rep. 105.*

More Acres  
 contained in  
 the Fine than  
 intended to  
 pass.

See more for these Things in *West. 2 Part.*

*Of the Concord of a Fine.*

HAVING considered the placing of Parcels  
 in Fines, and by what Names, which in  
 drawing of Concords are recited in the *Præcipe*,  
 being the Head or Title thereof, and are to be  
 in the same Order and Words, as are to be  
 in the original Writ, being the Recital and Di-  
 rection thereof; let us next examine and con-  
 sider the Concord it self.

How the Parti-  
 culars are to be  
 named in the  
 Concord.

In the Concord the Particulars or Parcels  
 need not, nor are used to be recited over  
 again, as in the *Præcipe* for the Writ of Cove-  
 nant, (or in any other original Writ where-  
 on the Fine is to be levied;) but it will be  
 sufficient to say,

Things not re-  
 cited again.

*Et est Concordia talis scilicet quod A. recogn.*  
*tenementa pred. cum pertin. esse jus ipsius B. &c.*

C

And

And by these Words, *Tenementa pred.* any Number or Quantity of distinct Things or Parcels will be well enough expressed,

Things recited again.

But if the *Præcipe* be of intire Things by themselves, as *de Manerio*, or *Maneris cum pertin.* in A. then must you say in the Concord.

*Et est Concordia talis scilicet quod pred. A. recogn. Manerium, or Maneria pred. cum pertin. esse jus, &c.*

Example.

Neither will Messuages named by themselves in a *Præcipe*, pass by the Word *Tenementa* in the Concord; also an

Honour,	Oblations,
Castle,	Toll,
Island,	Stallage,
Barony,	Pontage,
Hundred,	View of Frankpledge,
Borough,	A Liberty,
Knight's Fee,	Franchise,
The Site of a Manor,	Office,
A Park,	Bailiwick,
Prebendary,	Fair,
Rent,	Market,
Common,	Passage,
A Warren,	The Moiety or Part of
Fishing,	an intire Thing,
Rectory,	Wreccum Maris,
Tithes,	The Advowson of a

Church or Portion of Tithes must be particularly named in the Concord, as well as in the *Præcipe*.

The End and Intent of a Fine.

How the Right is to be limited.

Next we are to consider the End and Intent of the Fine, which is to pass a Right, and limit Estates from one to another.

And this appears by the Concord thereof, in which it is to be noted, That though there be divers Cognizees, yet the Right shall be limited to one of them only, and the Estate limited



mitted to his Heirs only whose Right it is acknowledged to be. See *West. Symb. tit. Fines.* 3 H. 6. 42. 24 E. 3. 64.

(As thus,) A. is Cognizor, B. and C. Cognizees. Example.

*Et est Concordia talis scilicet quod pred. A. cogn. Tenementa pred. cum pertin. esse jus ipsius B. ut ill. quæ iidem B. & C. habent de dono pred. A. & ill. remisit & quiet. clam. de se & hæred. suis præfat. B. & C. & Hæredibus ipsius B. imperpetuum. Et pro hac. &c.*

It is also said, That the Release and Warranty must be by one of the Cognizors, and from him and his Heirs only; for in a Fine from divers, the Fee must be supposed to be in one of them only, 21 E. 3. 33, but I find the Use generally otherwise.

Concerning the Release and Warranty.

Indeed in a Fine from a Man and his Wife it seems sometimes to that Purpose, as thus,

From Husband and Wife, the Fee being in the Husband.

*Præcipe A. B. & C. ux. ejus quod juste, &c. ten. D. Con. &c.*

*Et est Concordia talis scilicet quod pred. A. & C. recogn. Tenementa pred. cum pertin. esse jus ipsius D. ut ill. quæ idem D. habet de dono pred. A. & C. Et ill. remisit. & quiet. clam. de ipsis A. & C. & hæred. ipsius A. præfat. D. & hæred. suis imperpetuum. Et præterea iidem A. & C. concesser. pro se & hæred. ipsius A. quod ipsi warr. pred. D. & hæred. suis pred. Tenementa cum pertin. contra ipsos A. & C. & hæred. ipsius A. imperpet. Et pro hac, &c.*

*Præcipe A. B. & C. ux. ejus quod juste, &c. tenant D. Con. &c.*

*Et est Concordia talis scilicet quod pred. A. & C. recogn. pred. Tenementa cum pertin. esse jus ipsius D. ut ill. quæ idem D. habet de dono pred. A. & C. Et ill. remisit. & quiet. clam. de ipsis A. & C. & hæred. ipsius C. præfat. D. & hæred. suis imperpetuum. Et præterea iidem A. & C. concesser. pro se & hæred. ipsius C. quod ipsi warr. pred. D. & hæred.*

From the Husband and Wife of the Wife's Lands.



*red. suis pred. Tenementa cum pertin. contra pred. A. & C. & hæred. ipsius C. imperpetuum Et pro hac, &c.*

And so it may be from two others, the Fee being in one of them.

But generally where there are divers Cognizors in a Fine, the Release is from them and their Heirs; as thus: By Husband and Wife, and the two other Conusors or two Conusees.

Release from  
the Cognizees  
& hæred. suis.

*Et est Concordia talis, scilicet quod pred. A. B. C. & D. recogn. Tenementa pred. cum pertin. esse jus ipsius E. ut ill. quæ iidem E. & F. habent de Dono pred. A. B. C. & D. Et ill. remis. & quiet. clam. de ipsis A. B. C. & D. & hæredibus suis præf. E. & F. & hæred. ipsius E. imperpetuum Et præterea iidem A. B. C. & D. concesser. pro se & hæred. ipsius A. quod ipsi War. Tenementa pred. cum pertin. præfat. E. & F. & hæred. ipsius E. contra omnes homines imperpet. Et pro hac, &c.*

Warranty General.

Warranty Special.

Several Warranties.

Or if the Warranty be special, thus, *A. B. C. & D. Et hæred. ipsius A. imperpetuum.*

And in these Cases each of the Conusors may warrant apart if they will, and one may give a general Warranty, and the other a special Warranty; and 'tis the usual Practice to warrant apart where there are divers Cognizors, as thus, in the former Case.

Example  
First from A.  
and B. Husband  
and Wife.

*Et præterea iidem A. & B. concess. pro se & hæredibus ipsius A. qd. ipsi war. Tenementa pred. cum pertin. præfat. E. & F. & hæred. ipsius E. contra pred. A. & B. & hæred. ipsius A. imperpetuum Et \* ulterius idem C. concessit pro se & hæredibus suis quod ipsi War. Tenementa pred. cum pertin. præfat. E. & F. & hæred. ipsius E. contra pred. C. & hæred. suos imperpetuum Et † etiam idem D. concessit pro se & hæredibus suis quod ipsi War. Tenementa pred. cum pertin. præfat. E. & F. & hæred. ipsius E. contra pred. D. & hæred. suos imperpetuum Et pro hac, &c.*

\* Or, *Et insup.*

† Or, *Et ulterius.*

And so of the like by these Words, *Et præterea, Et insuper, Et etiam, Et ulterius, Et denique, &c.* as you may observe in the following Precedents.

And Note, That Lands bought of divers Persons, by several Purchasers, may well pass in one Fine, and then the Writ of Covenant must be brought by all the Vendees against all the Vendors, and every Vendor must warrant against him and his Heirs only. And these joint Fines are seasonable when the Purchases are of small Value. See after a *Præcipe* and Concord, where one Cognizor warrants one Part, another another Part, and another another Part.

Several Purchasers in one Fine.

And Note farther, That one Concord may be of Lands in several Counties, and the Fine *pro Licentia Concordæ* of all extracted entirely; but there must be several Writs of Covenant returnable all at one Day. *Dyer f. 227. pl. 24.* See *West. Prec. Tit. Fines.*

Several Writs of Covenant, and when.

*How Fines are to be levied, and before what Persons.*

THE Persons are either such as take the Cognizances of Fines, or the Person to whom such Cognizances are certified.

Who may take the Cognizances of Fines, and certify them, &c.

Some Persons may take Cognizance of Fines, *Ex Officio*, and by Vertue of their Office.

Others must be authorized thereto by Commission, else they cannot do it.

*Ex Officio*, The Lord Chief Justice of the Court of Common Pleas hath Power to receive and certify the Acknowledgment of all manner of

of Fines without any Commission as well in Courts as out; also two of the Justices of the same Court, have Power so to do in open Court. *Jenk. Cent. 4. Case 28.*

By Commission.

As for others they take them by Commission, either General or Special, issuing out of the Chancery. So Justices of Assize, who are by Commission, may do it by the general Words of their Patent, yet they do not use to certify them without a special Writ of *Dedimus Potestatem*. *Dyer 224, 377. 2 Co. Inst. 512, 513, 514. West. Symb. 2 Part. Bro. Fines 120. Jenk. 4. and 28.*

*Dedimus Potestatem.*

Certificate after *Dedimus*.

Also Judge of both Benches, and Barons of the Exchequer, do usually take the Cognizances of Fines before a *Dedimus Potestatem* sued out, and afterwards to certify the same upon the *Dedimus*. *Jenk. ut supra, 3 Cent. Case 3.*

Country Commissioners.

But besides these, there are other Commissioners, who are impowered by a *Dedimus potestatem* directed unto them for that Purpose; and they ought to be honest and understanding Gentlemen, usually living about that Part of the Country, or Place where the Cognizors dwell, who are to acknowledge the Fine before such Commissioners, one whereof must be a Knight.

One to be a Knight.

This Writ of *Dedimus* doth surmise, that the Parties who are to acknowledge the Fine, are not able to travel to *Westminster* for the doing thereof; and therefore the Commissioners are authorized to take their Cognizance, and this they may take from them altogether at once, or afunder, at several Times and in several Places as they please, as you may see by some of the Precedents as at the latter End.

But



Cautions.

But if the *Dedimus* be to two jointly to do it, one of them in this Case ought not to do it alone; or if it be to three jointly, two of them ought not to do it, for it will be Error; therefore Care must be taken concerning their joint and several Power; so if one of the Cognizees be one of the Commissioners, and he himself take it, it is Error. *Fitz. N. B.* 146, 147. *Dyer* 220. 1 *Cro.* 249. See *Forma bene placitandi*, *Tit. Errors Assign.*

*How to sue out a Fine before the Lord Chief Justice of the Common Pleas.*

First draw your *Præcipe* fairly in Paper, thus:

*Wils' ff. Præcipe Willielmo Owen quod iuste, &c. teneat Samueli Potter Con-  
ventionem, &c. de uno Mesuagio duobus Gar-  
dinis, viginti Acris Pastura cum Pertin. in S.  
Et nisi, &c.* Then write the Concord, as un-  
der observe. \*

The *Præcipe*.

Then ingross it fairly in Parchment with the Concord; many Forms whereof you will find in this Treatise, as the Case requires, suppose it thus, viz.

Note, The Paper Copy is to remain with the Clerk of the Fines.

\* *Et est Concordia talis scilicet quod pred. Wil-  
ielmus recogn. Tenementa pred. cum pertin. esse  
suis ipsius Samuelis ut ill. quæ idem Samuel habet  
de Dono pred. Willielmi Et ill. remissa & quiet.  
clam. de se & heredibus suis predicto Samuel  
& heredibus suis imperpetuum Et præterea idem  
Willielmus concessit pro se & heredibus suis qd ipsi  
warr. pred. Samuel & heredibus suis pred. Tene-  
mentia*

The Concord.



*menta cum pertin. contra ipsum Willielmum & haeredes suos imperpetuum Et pro hac, &c.*

You may also for Dispatch write the Caption underneath it thus, on the left Hand.

*Capt. & cognit.  
primo die Junii  
Anno Regni Do-  
mini Willielmi &  
Dominae Mariae  
nunc Regis & Re-  
ginae Angl. &c.  
quarto coram me*

The Cognizor must subscribe his Name on the right Hand thus,

*William Owen.*

Also some Body that knows the Parties, must signify such his Knowledge at the Bottom thereof thus.

✽

*A. B. cogn. Parties.*

*Note, The Clerk of the Fines usually sees these two done.*

*Writ of Covenant.*

*Alienation-Office.*

Than go with the Cognizor or Cognizors to the Lord Chief Justice of the Common Pleas, at his Chamber, and deliver your Paper or Parchment to the Clerk of the Fines, who will enquire of him that comes with the Parties to the Acknowledgement of the Fine, if he knows them, and see that he subscribes to the Fine as aforesaid; which done, he will get the Lord Chief Justice's Hand to the Caption of the Concord, ingrossed in Parchment, and (also to the Copy thereof in Paper, which is to remain with the Clerk of the Fines,) then you are to carry the Concord in Parchment, to the Curfitor of the County where the Lands lie, and there get your Writ of Covenant made, which (before it be sealed) you are to carry to the Alienation-Office, and there compound it, and get it entred and indorsed; then carry it back to the Curfitor, who will get it sealed; and this being done, you must make a Warrant of Attorney for the Fine in this Manner.

*Wilt.*

Wils. ff. Samuel Potter, po. 10. suo A. B. Attorn.  
suum ad prosequend. breve de Con. vers.  
Willielmum Owen de Terris & Tenemen-  
tis in S. &c.

Warrant of  
Attorney.

This Warrant of Attorney you are to file  
with the Clerk of the Warrants, who will sign  
your Writ of Covenant.

Warrant filed.

Then file the Writ of Covenant, and *Præ-*  
*cipe* and Concord together, and carry them to  
his Office, who is to return Writs of Covenant,  
who will return and sign the Writ of Cove-  
nant with his Stamp.

Writ of Cove-  
nant returned.

From thence carry it to the *Custos Brevium*,  
who makes his Entry thereof upon the Rolls,  
and will indorse upon the Writ when the Pro-  
clamations are to be made.

*Custos Brevium*.  
Proclamations  
indorsed.

From thence to the King's Silver Office,  
who will perform what belongs unto it there;  
and being once dispatched this Office, it is  
then a Fine in force of Law; afterwards car-  
ry it to the Chirographer, and there the Clerk  
who belongs to the County where the Lands  
do lie, will make the Indentures of the Fine,  
and then it is finished.

King's Silver  
Office.

Fine of Force  
in Law.  
Chirographer.

### *How to acknowledge a Fine at the Bar.*

**Y**OU must first make your *Præcipe* in Pa-  
per for the Cursitor of the County to  
make the Writ of Covenant; and having re-  
ceiv'd it from him sealed, then write a *Præcipe*  
and Concord thereof in Parchment, and de-  
liver them all to one of the Serjeants at Bar,  
the Cognizors being also present.

Writ of Cove-  
nant.

*Præcipe* and  
Concord deli-  
vered to a Ser-  
jeant at Law.

Then

Appearance of  
Cognizors re-  
corded.

Then the Sejeant will desire the Justices to record the Appearance, which being granted the Serjeant saith.

*Deniers le Roy & Royne.*

Then answereth the second Prothonotary, or his Clerk,

*Que Donera.*

Then the Serjeant will answer thus,

*Cestuy quo avara.*

Then the second Prothonotary or his Clerk answereth again,

*Trabes le Paix.*

The Concord  
in French.  
Examination.  
Note, A Feme  
Covert ought  
not to be exa-  
mined upon  
any Fine, but  
where she and  
her Husband  
do pass some  
Estate or Inte-  
rest, or release  
her Right by  
Fine of the  
Lands and Te-  
nements. Co.  
Lit. 353.

Then the Serjeant will say, *Ove vosire Conge la Paix est tiel, seilicet, &c.* reciting in French the Substance of the Concord, with Relation to the Lands in the *Præcipe*. And after that, if any of the Cognizors be a Feme Covert, or married Woman, the Serjeant will direct her to go up to the Puisne Judge, to the Bench, to be examined of her Consent to part with her Right in the Land, whether she do it freely, or by Compulsion; and then the Judge taketh the Concord in Parchment, and reads her the Contents and examineth her privately apart; and that done, she delivers it to the Prothonotary to be recorded.

Fees of Court.

After it is recorded you must pay the Fees of the Court, and then take the *Præcipe* and Concord, and file it to the Writ of Covenant, and pass it through the several Offices, as before directed in Case of Acknowledgment before the Lord Chief Justice.

*The Manner of acknowledging and levying a Fine before Commissioners.*

**D**R A W your *Præcipe* and Concord in Paper, which with the Commissioners Names, (one whereof must be a Knight,) you must deliver to the Cursitor of the County, who will thereby make out your *Dedimus potestatem*, and get it sealed for you.

*Præcipe for a Dedimus.*

Then deliver the *Dedimus potestatem* to the Commissioners, with the *Præcipe* and Concord engrossed in Parchment, with Wax and Seals unto it.

*Dedimus delivered to the Commissioners*

\* It is a Rule, That where the Right of the Wife shall pass by Fine from her, she is to be examined, but if nothing is moved in the Fine but only that they two do take an Estate by it, this will not conclude, and therefore she is not to be examined.

The Commissioners ought to take Care that they know the Cognizors, and their Estates and Capacity to be so; and if \* Husband and Wife be Cognizors, she ought to be examined solely and apart, whether she does it of her own free will, or by Threats and Compulsion.

The Cognizance being taken, the Commissioners must † return the *Dedimus potestatem* thus, viz.

† Return of *Dedimus*,

*Executio istius Commissionis patet in quadam schedula huic Commissioni annex.*

And then filing the Concord to the Back of the *Dedimus*, the Commissioners must set their Seals to the Concord, and their Hands to the *Dedimus*, under the Return thereof.

The Caption also must be entred under the Concord, and the Commissioners Names subscribed thus.

Caption.



*Capt. & cognit. apud A. in Com. B.  
decimo sexto die Septembris, Anno  
Regni Domini Willielmi & Dom.  
Marie nunc Regis & Reginae  
Angl. &c. quarto coram nobis.*

A. B.

C. D.

The Caption  
is first in  
Course.

## Certificate.

Your *Dedimus* being returned, carry it to the Curfitor, who will make the Writ of Covenant, and then pass the Fine as before is directed. And *Note*, That if none of the Commissioners who took the Caption was a Knight, you must then draw up your Certificate upon the Back of the Concord, and carry it to a Judge of the Common Pleas for his *Allocatur*.

The Form of  
the Certificate,  
a Feme Covert  
being a Cogni-  
zor.

*A. B. Gent.* one of the Commissioners in the Writ of *Dedimus* named, makes Oath, that this Fine was duly executed by the Cognizors of full Age, and the Feme Covert (being secretly and apart examined) willingly consented

A. B.

*Note*, The Commissioners are to return their *Dedimus* with the Concord annexed within one Year next after the taking the same Conusance at farthest; and if they refuse to return or certify this, the Party grieved by it may, by a Writ called *Cognitionibus admittendis*, or a *Certiorari*, compel that Commissioner that hath it in his Custody, or his Executor or Administrator (if he be dead) to certify it. Stat. 23 *El. cap. 3.* *Dyer* 220, 243, 320. *Fitz. N. B.* 147. *Co. 5.* 39.

Next we proceed to the Forms of *Præci-*  
*pe's* and *Concords*; and first we will observe  
the Form of each of the four Sorts of *Fines*  
before-mentioned, *viz.*

1. A Fine *sur Cognizance de Droit come ceo,*  
*&c.*
  2. A Fine *sur Done, Grant & Render.*
  3. A Fine *sur Done & Grant tantum.*
  4. A Fine *sur Concessit.*
- Of which in Order.

The Form of a Fine *sur Cognizance de Droit*  
*come ceo, que il ad de son done, single,*

**P**recipe A. B. qd iuste, &c. teneat C. D. Con-  
ventionem, &c. de uno Meluagio uno Cotta-  
gio & decem Acr Pastur cum ptin in C. Et  
nisi, &c.

Et est Concordia talis scilicet qd ptes A. re-  
cogn Tenementa ptes cum ptin esse sus ipsius  
C. ut illi que idem C. habet de dono ptes A. Et  
illi remisit & quiet claud de se & heredibus suis  
ptes C. & heredibus suis imperpetuum Et ptes  
idem A. concessit pro se & heredibus suis Qd ipsi  
warrant ptes C. & heredibus suis Tenementa  
ptes cum ptin contra ptes A. & heredes suos im-  
perpetuum Et pro hac, &c.

*Note,* The Concord must contain no more  
Land, or other Things than are in the Writ  
of Covenant; as if the Writ be of the Ma-  
nor of D. only, and the Concord is of the  
Manor of D. and Manor of S. In this Case  
the Fine as to the Manor of S. will be void-  
able. 2 Co. Inst. 513.

D

If

If a Fine be levied to any Person not named in the Writ of Covenant; as if *A.* be Plaintiff in the Writ of Covenant against *C.* and *C.* levieth a Fine to *A.* and *B.* this is not a good Fine, but avoidable by Writ of Error. 2 Co. Inst. 513, 514.

If Rent be reserved upon this sort of Fine,  
it is void.

The Form of a Fine *sur Done, Grant & Ren-*  
*der*, otherwise called a double Fine.

Midd' ff. **P** Recipe A. B. Cend. q̄s iuste, &c.  
tem C. D. Conventum, &c. n  
Manerio de C. cum p̄rid, &c. Et m̄s, &c.

Et est Concordia talis scilicet qd pater A. re-  
cogit Panerium pater cum pater esse ius ipsius C.  
ut sit que ibidem C. habet de dono pater A. Et illi  
remisit & quieti claud de ipso A. & heredibus suis  
pater C. & heredibus suis imperpetuum Et pater  
idem A. concessit pro se & heredibus suis qd ipse  
ware Panerium pater cum pater pater C. & heredi-  
bus suis contra ipsam A. & heredes suos impe-  
petuum Et pro hac recogi remissioni quieti claud  
Warrant sine & Concordia idem C. concessit pater  
A. pater Panerium cum pater Et sit et redditi  
eadem Cur. habend & tenend eidem A. & heredibus  
quos idem A. procreaverit de corpore J. tunc ap-  
ris ejus tenend de Capitalibus Domini Fro-  
fil p servicia que ad pater Panerium pater  
Et si contigerit quos idem A. obiter sine huius  
per ipsam de corpore ipsius J. procreant tunc po-  
decessum ipsius A. pater Panerium cum pater  
integre reman pater J. tenend &c. tota vita ip-  
us J. Et post decessum ipsius J. pater Panerium  
ubi cum pater integre reman tota vita huius pater  
C. tenend, &c.

## Fines.

**Note,** None may take the first Estate by way of Render but the Cognisor, or one of them.

If a Grant and Render in a Fine of Land be immediately, *et primo gradu*, to one that is no Party to the Writ, this is not good but immediately, or *in secundo gradu*, such a one may take; as if two levy a Fine, and the Grant and Render back again is to one of them only, this is good enough. 2 Co. Inst. 514.

So if a Writ of Covenant be brought by A. against B. of the Manor of D. and B. levy a Fine to A. *come ceo*, &c. in this Case A. may grant or render the same to B. for Life, or in Tail, the Remainder to F. in Fee; and this is good as in a Deed by way of Remainder. 2 Inst. 514. Bro. III, III, III.

**Note,** No single or double Fine may be with a Remainder over to any other Person not contained in it, but it must be to the Cognusee and his Heirs only; nor can any Rent be reserved upon a pure Fine *sur Cognizance de Droit come ceo*, but upon a Fine of Grant and Render, and upon *sur Concessit* only; nor may it be on a Condition. 5 Co. 38.

**Note,** That by a double Fine, or Fine with Render, almost any kind of Contract about Land may be made, and drawn up in Form by a Fine of this Nature. See *West. Symb.* 2. part, Perk. sect. 629. Bro. Fines 108.

**Note,** That the Render of a Rent (if any) must be to one of the Parties to the Fine, and not to a Stranger. Dyer 63. 39. Ca. 2. in Lord Cromwell's Case.

A Man may not reserve to himself a less Estate by way of Remainder than the Fee; as if A. levy a Fine of his Land to B. and B. regrant, and render it to A. for Life, this



will be void. 14 H. 4. 31. 34 E. 3. 26. Dyer 33, 34, 69.

Condition, Re-entry.

That there may not be a Condition or Clause of Re-entry for not Payment of Rent inserted in this kind of Contract and Concord; and yet some hold that a Fine levied to one in Tail, upon a Condition, with a Remainder over, is good. 1 Co. 76. 6 Co. 33. 2 Co. in *Cromwell's Case*, Dyer 33, 69. See 27. H. 8. 84. *Plow.* 34. 24 E. 6. 62. Whereby it seems a Fine may be levied to one upon Condition, with Remainder, but not with Re-entry.

*Note,* That a Render of a Concord may not be of any other Thing than what is in the Writ of Covenant, unless it be of a Rent, or Common issuing out of it. 18 E. 4. 12.

Example upon this sort of Fine.

Jointure.

To make a Jointure.

Lease for Years, &c.

But a Fine may be (as hath been said) with a Render back again of some Estate in the same Land that passeth by the Fine, or some Rent out of it; so that in this Kind of Fine there may be a Reservation of Rent, a Clause of Distress, or *Nomine pance*, and a Warranty; and therefore if *A.* levy a Fine to *B.* *sur Cognissance de Droit come ceo*, &c. and *B.* by the same Concord doth grant and render the Land back again to *A.* for Life, without Impeachment of Waste, the Remainder to *C.* the Wife of *A.* for her Life, the Remainder to *A.* and his Heirs.

This is a good Concord, and by this Devise a Jointure may be, and is oft-time made for a Woman.

So if *J.* and *B.* his Wife levy a Fine to *A.* in Fee, *sur Cognissance de Droit come ceo*, &c. and then *A.* rendreth to *J.* for Life without Impeachment of Waste, the Remainder to *B.* his Wife for Term of her Life, the Remainder

mainder to Y. and his Heirs, this is good.

*Bro. Fines 108.*

And by this Form a Lease for Life, or Years, may be made by Fine with a Render. The Lessee must acknowledge the Land to be the Right of the Lessor that is seized of the Land, as that, &c. and then the Lessor must grant and render the same back again to the Lessee (that is Conusor in the Fine) for Life, or for certain Number of Years (as the Agreement is) reserving Rent with Clause of Distress; and this is a good Fine, and a Common Device for this Purpose; but if the Lessor be Tenant in Tail, it seems this kind of Fine will not bind the Issue in Tail.

And yet if A. Tenant in Tail, and N. do by Fine acknowledge the Land to be the Right of a Stranger, as that, &c. and then the Stranger (that is the Cognizee) doth grant and render the Land again to N. for Life or Years, rendering Rent with Clause of Distress, &c. and then grant and render the Reversion to the Tenant in Tail, this will be a good Fine to bar the Issue in Tail also, and will likewise pass the Rent and Reversion to the Tenant in Tail also. *Bro. Fine 106, 118. 6 Co. 33. 1 Co. 76. Pl. 435. Dyer 279. Perk. sect. 629.*

To bar the Issue in Tail.

To have a Lease for Years to bind a Tenant in Tail. The Tenant in Tail and the Lessee did acknowledge the Tenements to be the Right of one A. a Stranger, who did grant and render the same Fine to the Lessee for Years, the Remainder to the Lessor and his Heirs, this was with Proclamations; this is a good Lease to bar the Issue in Tail. 44 E. 3. 45.

Aliter.

D 3

That

That by a Fine with a Render a Lease for Years may be made thus also. If one that is Tenant in Tail within 21 H. 7. accept of a Fine *sur Cognizance de Droit come ceo*, &c. and then by the same Fine render back the Land to the Cognisor for 100 Years; this will be a Discontinuance, and bind the Issue by this Stat. 2 Leon. Case 206.

The Form of a Fine *sur Cognizance de Droit tantum*.

Midd' H. **P**rocepte A. B. & C. uxori ejusq[ue] iuste, &c. tenent D. C. Conventione, &c. de tertia parte trium Deluagion, trium Toston, trium Gardinoz ducent Acr terraragint Acr Prati & centum Acr Pasture cum p[ar]te in f. C. & D. Et nisi, &c.

Grant of a third Part in Reversion by a Co-partner.

Et est Concordia talis scilicet q[uod] p[re]s A. & C. recognov[er]unt tertiam partem p[re]s cum p[ar]te esse suam ipsius D. Et concesser[unt] quod eadem tertia pars cum p[ar]te (quam J. H. h[ab]et tenet ad terminum vite sue de hereditate ipsius C. die quo hec Concordia facta fuit Et que post mortem ejusdem J. H. ad ipsos A. & C. reverti debuit) reman[eret] p[re]s D. & heres suis imperpetuum tenens, &c. Et p[re]terea eadem A. & C. concess[er]unt pro se & heredibus suis C. quod ipsi v[er]o p[re]s D. & heredibus suis tertiam partem p[re]s cum p[ar]te sicut p[re]s est contra se & heres ipsius C. imperpetuum Et p[ro] hoc, &c.

When the Words *Come ceo que il ad de son done*, viz. *ut illi qua idem the Cognizee habet de dono p[re]s* the Cognisor, are left out in a Fine, and such Fine be levied to him who hath the Freehold of the Land, then it is called

called a Fine upon Release, and is to be executed; but if he that acknowledgeth the Fine be seized of the Land, and he to whom it is levied hath not the Freehold of the Land, then it is called a Fine-Executory, and must be executed, unless the Party be in Possession, and then there must be a Writ of *Habere fac' seisinam*.

A Fine upon a Lease, as it seems, may not enure to an Use, that is, it may not be intended to the Use of any other but to him to whom it is levied, unless an Use be expressed in the Fine, or in another Deed; and if a Disseisor be, and the Disseisee levieth a Fine upon a Release, thereby the Right is gone, and a Stranger may levy such Fine to Tenant for Life, and it shall be no Forfeiture of his Estate. 3 Leon. 36, 37. 3 Co. Inst. 36.

**The Form of a Fine sur Concessit.**

Midd' ff. **P**recepte A. B. & C. ut' ejus quod iuste, &c. teneant D. C. Gen Conventionem, &c. de duobus Molendinis centum & sexaginta Acr' Terre sexaginta Acr' P'ati & quinquaginta Acr' Pastur' cum p'rid in F. ac de omnibus decimis Grazon' &c. de tenementis p'ed cum p'rid necnon de omnibus decimis Rade & Agnoz'um p'oventem de trescentis Oribus de pastur' super Terras decimales Panerit de F. Et nisi, &c.

Et est Concordia talis scilicet quod p'ed A. & C. concesser' tenementa & decimas p'ed cum p'rid p'at D. Et ill' ei reddider' in eas Cur' habens & tenens eadem D. a primo die Aprilis ult' p' terit usq' finem & termin' nonaginta & novem annoz' extunc p'or' sequen' & plenar' complens

Lease for 99  
Years sur Con-  
cessit.



et finiens reddens inde annuatim p[re]s A. et heredes  
suis duos sollos legalis monete Angl[ie] ad  
Fest[um] Sancti Michaelis Archi[iepiscopi] et Annunciat[i]o[n]is Beate  
Marie Virginis p[er] legales portiones annuatim  
solvend[um] toto termino p[re]s si petatur Et p[re]s A. et  
C. et heres ipsius A. warrant p[re]s D. tenementa  
et decimas p[re]s cum p[re]s (sicut p[re]s est) con-  
tra ipsos A. et C. et heres ipsius A. Et contra  
omnes al[ios] clamantes p[er] p[re]s A. toto termino p[re]s Et  
p[er] hac, &c.

*Note,* The Render of Rent must be to  
one of the Parties, and not to a Stranger.  
Dyer 63. 2 Co. 39.

Upon a Lease for Life, for 99 Years if the  
Cognisors shall so long live.

Et est Concordia talis, &c. (as before usq[ue])  
plenar[um] complend[um] et finiens si p[re]s A. et C. aut  
eorum alter tam diu vixerit vel vixerint reddens  
p[ro]inde eidem A. et C. et eorum sup[er]viventi und[ecim]  
grand[em] pip[er]is annuatim solvend[um] ad fest[um] (&c.) durand[um]  
toto termino p[re]s si petatur Et p[re]ces iidem A. et  
C. warrant p[re]s D. p[re]s et decimas p[re]s ad p[re]s  
sicut p[re]s est contra p[re]s A. et C. Et heres et assign[atus]  
suos durand[um] vitis ipsorum A. et C. et vitis eor[um] diu-  
tius vivend[um] Et p[er] hac, &c.

*Note,* If a Tenant in Tail levy a Fine *sub*  
*Concessit* for Life, with Proclamations, and  
the Tenant for Life die; in this Case the  
Bar of the Fine is determined. *Moo. Cases*  
1026.

### Præcipe and Concord with Exception.

**P** Ræcipe, &c. Con[cedit], &c. de Rectoria de A. ad  
p[re]s except Advocacione Vicar[ie] Ecclesie de  
A. Et nisi, &c.

Et est Concordia talis scilicet quod predicti 3. recognovimus concordiam predictam cum predictis exceptis (pre-exceptis) esse ius, &c. Et illi remisit. (&c.) (except pre-exceptis) Et preterea ibidem (&c.) concessit pro se (&c.) quod ipsi iurarent (&c.) concordiam predictam cum predictis (except pre-exceptis) &c.

*Note,* The only Court of Westminster for suing out Fines, is the Court of Common Pleas, and thither they must be certified.

Also by the Stat. 2 E. 6. cap. 28. Fines may be levied in the County Palatine of Chester.

And by 37. H. 8. cap. 19. Of Lands in the County Palatine of Lancaster.

And by 5 Eliz. cap. 27, within the County Palatine of Duresme alias Durham.

And if any other Persons, than such as are before mentioned, shall take Cognisance of, or record Fines; or if they be levied in any other Court, or otherwise than as is before set forth, they will be void, or voidable at the least for Error. 2 Inst. 514, 515. Stat. 2 E. 6. cap. 28. 37 H. 8. cap. 19. 5 Eliz. cap. 27.

See the divers Forms of *Præcipe's* and *Concords* following.

*Divers Forms of Concords.*

By one to one of a Messuage and Lands.

Wils' ff. **P**recepto Willielmo Owen quod iuste &c. teneant Samueli Potter Con-  
ventionem, &c. de uno messuagio duobus gar-  
dinis viginti acris terre decem acris prati &  
decem acris pasture cum pepend in d. Et nisi,  
&c.

Et est Concordia talis scilicet quod predictus  
 Willielmus recognovit predicta tenementa cum  
 pertinentiis esse sua ipsius Samuelis ut illi & idem  
 Samuel habet de dono predicti Willielmi Et illi re-  
 mittit & quietat claudere de se & heredibus suis predictis  
 Samueli & heredibus suis imperpetuum Et pro-  
 terea idem Willielmus concessit pro se & heredi-  
 bus suis quod ipsi war' predicta Samueli & heredi-  
 bus suis predicta tenementa cum pertinentiis  
 contra ipsum Willielmum & heredes suos im-  
 perpetuum Et p' hac, &c.

If a Fine be levied come ceo que il ad se son  
 done, hereby a Fee-simple will pass without  
 any word of Heirs; and so also it is in the  
 Case of a Common Recovery. Co. Lit. 9.

By one to two of a Messuage, Lands,  
 and Common.

Hertf. ff. **P**recipe Benjamin' Thompston quod  
 fuisse, &c. teneat Henrico Joynt  
 & Roberto Rozris Conventione, &c. de tribus  
 messuagiis quinque gardinis centum acris terre  
 ducentis acris bosci & communia pasture pro omni  
 animodis averiis cum pertinentiis in D. & B. Et illi  
 &c.

Et est Concordia talis scilicet quod predictus Benja-  
 minus recognovit predicta tenementa & communia  
 cum pertinentiis esse sua ipsius Henrici ut illi que  
 idem Henricus & Robertus habent de dono predi-  
 cti Benjamin' Et illi remittit & quietat claudere  
 de se & heredibus suis predictis Henrico & Rob-  
 ertus & heredibus ipsius Henrici imperpetuum Et pro-  
 terea idem Benjamin' concessit pro se & heredi-  
 bus suis quod ipsi war' predictis Henrico & Rob-  
 ertus & heredibus ipsius Henrici predicta tenementa  
 & communia

\* If the Cogni-  
 fees be join  
 Purchasers, it  
 said *heredibus*  
*suis* instead of  
 the Heirs of  
 one of them.

communiā cum pertinē contra ipsū B. & hered  
uos imppetuum Et p hac, &c.

If a Fine be levied to two, & *heredibus*  
without the Word *suīs*, this will be void for  
uncertainty in a Fine as in a Deed. 37 H.

By two to two of a Manor, Lands, Rent,  
and Common, with Warranty against  
the Cognisors, and the Heirs of one, to  
the Cognisees and the Heirs of one.

omerf. ff. **P**recipe T. L. Ar & M. S. Gen  
quod fuisse, &c. teneant P. P. &  
D. D. Conventionem, &c. de manerio de M.  
um pertinē ac de septem mesuagiis duobus coltis  
mo molendino duobus columbar decem gardi  
is quingent acris terre centum acris prati  
centis acris pasture viginti acris holci cen  
um acris hyuere ducent acris more quadra  
inta acris iuncarie viginti acris marisci de  
em acris alneti duodecim acris rularie vigin  
solidat reddit & communia pasture pro omni  
ad averlis cum pertinē in D. T. & D. Et nisi,

Et est Concordia talis scilicet quod predicti T. &  
L. recognō predicta manerium tenementa reddit  
communiam cum pertinē esse suis ipsius P. ut  
que iidem P. & D. habent de dono predictorum  
T. & M. & illi remiserunt & quiete clam de  
pss T. & M. & heredibus ipsius T. pssatis P.  
D. & heredibus ipsius P. impetuum Et pre  
tea iidem T. & M. concesserunt pro se & he  
redibus ipsius T. quod ipsi warant pssatis P. &  
D. & heredibus ipsius P. pssata manerium te  
nimenta reddit & communia cum pertinē contra  
iplos



ipsos **L.** & **M.** & heres ipsius **L.** imperpetuum  
Et p hac, &c.

By two with several Warranties.

Et est Concordia talis scilicet quod predicta **S.** & **R.** recognovunt predicta tenementa cum pertinentiis esse sua ipsius **A.** ut illa que idem **A.** habet de dono predicti **S.** & **R.** & illa remiserunt & quiete claram ipsi **S.** & **R.** & heredibus suis prefati **A.** & heres suis imperpetuum Et preterea idem **S.** concessit pro se & heredibus suis quod ipsi war' p'dicto **A.** & heres suis predicta tenementa cum pertinentiis contra ipsum **S.** & heres suos imperpetuum Et ultimus idem **R.** concessit pro se & heredibus suis quod ipsi warant predicta **A.** & heres suis predicta tenementa cum pertinentiis contra ipsum **R.** & heres suos imperpetuum Et pro hac, &c.

Capit' & cognit' primo die Maii Anno  
Regni Regis Caroli secundi vicesimo  
coram me

Jo. Vaughan.

By Husband and Wife,

Berks. **P**recipe **R.** **F.** & **A.** uxori eius quod  
fuisse, &c. teneant **A.** **D.** Con-  
ventionem, &c. de duobus messuagiis duobus  
rostris quatuor acris terre, &c. cum pertinentiis in **A.**  
Et nisi, &c.

Et est Concordia talis scilicet quod predicti **R.** & **A.** recognovunt predicta tenementa cum pertinentiis esse ipsius **D.** ut illa que idem **D.** heres de dono predicti **R.** & **A.** Et illa remisit & quiete claram de ipsi **R.** & **A.** & heres ipsius **R.** prefati **D.** & heres suis imperpetuum Et preterea idem **R.** & **A.** concessit

tunc pro se & heredibus ipsius A. quod ipsi war' p  
dict D. & heres suis predict' tenementa cum per  
tin contra ipsos A. & A. & heres ipsius R. im  
petuum Et pro hac, &c.

Of the Husband and Wife of the Wife's  
Land.

Oxon ff. **P**recipe C. T. & M. uxor' eius quod  
iuste, &c. teneant S. L. Con  
ventionem, &c. de viginti & quatuor acris ter  
re triginta acris bosci, &c. cum pertin in D.  
& nisi, &c.

Et est Concordia talis scilicet quod predicti C.  
& M. recogn' predict' tenementa cum pertin esse  
suis ipsius S. ut ill' que idem S. her de dono  
predict' C. & M. Et ill' remisit & quiet clam de  
his C. & M. & heres ipsius M. Plat S. & heres  
suis impetuum Et preterea idem C. & M. con  
fesserunt pro se & heredibus ipsius M. quod ipsi  
war' predict' S. & heres suis predict' tenementa cum  
pertin contra predict' C. & M. & heres ipsius M.  
impetuum Et p hac, &c.

A Lease for Years by Fine *sur Concessit*.

uck. ff. **P**recipe L. B. quod iuste, &c. teneat  
G. R. Conventionem, &c. Et est  
concordia talis scilicet quod predict' L. concessit  
predict' G. predict' tenementa cum pertin h'ent &  
tenend' predict' tenementa eidem G. & assign' suis  
Festo Sancti Michaelis Archi ultimo predicto  
in finem & terminum viginti & unius annos  
am extunc prox' sequend' & plenarie complend'  
reddend' inde annuatim toto termino predict' plat  
& heres suis decem libras legalis monet  
ngt ad Festum Annunciationis Beate Marie  
virginis & Sancti Michaelis Archi p equas &  
equales

equales portiones solvend. Et si contingat p  
dict reddi arecto fore in parte vel in tota p  
aliquod festum festorum predicti non solum  
licet predicti G. & hereditibus suis in predicta  
namenta cum pertin. intrare & distringere  
restrictionesq; ibidem cap. abducere effugare  
asportare ac penes se retinere quosq; eis de p  
dict reddit' & arreragiis ejusdem plenarie  
satisfact' & solut' Et preterea idem L. & heres  
warant predicti G. & assigni suis tenementa p  
dict cum pertin. contra ipsam L. & heres suos tot  
termino pdict Et p hac, &c.

*Quare, If this will bar the Issue in Tail  
Plow. 455. Brook's Fines 116, 118.*

*Aliter.*

The Lessee must acknowledge Land  
&c. to be the Right of the Lessor, as that  
&c. and then the Lessor must grant the  
same back again to the Lessee for the Year  
agreed upon, reserving a Rent, with Clause  
of Distress, and Warranty in Form follow  
ing.

Glouc' ff. **P**receptum L. P. Gen & W. C. qu  
juste, &c. teneant J. W. & C.  
W. Com, &c. Et est Concordia talis scilicet  
quod predicti L. & W. recognov. predicta tenementa  
cum pertin. esse jus ipsius J. ut illi que ibidem  
& C. habent de dono predicti L. & W. Et illi  
miserunt & quiete clam. de ipsis L. & W.  
heres ipsius L. pstat J. & C. & heres ipsius  
imperpetuum Et preterea idem L. & W. co  
cesser' p se & heres ipsius L. quod ipsi  
predicta tenementa cum pertin. pstat J. & C. her  
ipsius J. contra omnes homines imperpetuum  
Et pro hac recognitione remissione quiete clam.  
warrant

parantia sine & concordia idem J. & C. con-  
 cesser' prefat' R. predict' tenementa cum pertinentiis & illis  
 reddidit in eadem Cur' habens & tenens predict'  
 tenementa cum pertinentiis prefat' R. & assignat suis a  
 festo, &c. (ut supra.)

**Or thus to bind the Issue in Tail.**

The Tenant in Tail and the Lessee to ac-  
 knowledge the Lands &c. to be the Right  
 of a Stranger, as that, &c. and the Cogni-  
 see to grant and render the Lands to the  
 Lessee for certain Years, yielding Rent  
 with a certain Clause of Distress, and then  
 grant the Reversion to the Tenant in Tail,  
 (Brook's Fines 118,) in Form following.

South' ff. **P**recipe C. C. Gen' & R. B. quos  
 iura, &c. teneant H. M. Con-  
 cessionem, &c. Et est Concordia talis scilicet quod  
 predict' C. & R. recognov' predict' tenementa  
 cum pertinentiis esse sua ipsius H. ut illi, &c. Et illi  
 remis, &c. Et p' hac recognov', &c. predict' H. con-  
 cesser' prefat' R. predict' tenementa cum pertinentiis Et illi  
 reddidit in eadem Cur' habens & tenens pre-  
 dict' tenementa cum pertinentiis prefat' R. & assignat suis  
 festo, &c. Reddens, &c. Et si contingat,  
 &c. quousq', &c. satisfact' Et solut' Concessit  
 illam predict' H. prefat' C. cum reversionem predicto-  
 rum tenementorum cum pertinentiis quam predictum  
 redditum duodecim librarum superiade reser-  
 vat Et illi ei reddidit in eadem Cur' habens  
 tenens & percipiens predictam reversionem tenemen-  
 torum predictorum cum pertinentiis & reddit' predict' prefat'  
 & heres suis imppetuum, &c.

The



The like of Rent with *Nomine Pend.*

Et si contingat predict' redditum decem librarum aut aliquam inde parcelлам aratro sive per aliquod festum festorum predictorum non solum per spacium quadraginta dierum tunc predict' satisfact' predict' J. & E. & heredibus ipsius J. centum solidos *Nomine Pend.* Et tunc bene licebit predict' J. & E. & heredibus ipsius J. in predict' tenementa cum pexind intrare & distringere districtionesq; ibidem Capit' abducere & fugare & asportare ac penes se retinere quousq; tam de predict' reddit' decem librarum quam de predict' pena centum solidorū *Nomine Pend.* cum arceragiis eorundem plenar' fuit satisfact' & p' solut', &c.

*Clause of Re-entry cannot be in a Fine,*

Warranties be sowetimes general, viz. *contra omnes homines*; sometimes against all except some Persons; sometimes against some Persons only, sometimes against every Cognisor and his Heirs severally; and sometimes against one of the Cognisors and his Heirs only, &c.

From one and his Wife to one, of a Manor, Messuages, Dove-house, Gardens, Orchards, Land, Meadow and Pasture, Wood, Furze and Heath, Common of Pasture, and Turbary, Free Foldage, and View of Frank-Pledge.

Norf. ff. **P** Recipe R. D. alias W. And Elizabethhe uxori ejus quod nulli &c. teneant J. D. generosa conventiōem

de Panerio de L. als, &c. ac de decem Pe-  
 magis uno Columbar decem Cardinis decem  
 domariis mille Acris Terre viginti Acris  
 pari centum Acris Pasture centum Acris  
 Bosci ducentis Acris Jampnozium & Vinere  
 Communia Pasture pro omnimodis averis Com-  
 munita Carbarie Libertate Faldagii & Wic  
 Franc pleg cum pectin in L. als, &c. Et  
 ill, &c.

Et est Concordia talis scilicet quod predicti R. &  
 C. recognoverunt predicta Paneria Tenementa  
 communias Libertat & Wic Franc pleg cum  
 pectin esse jus ipsius J. ut illi que ibidem  
 habet de dono predicti R. & C. Et illa re-  
 sponderunt & quiete clamaverunt de ipsis R. &  
 C. & heredibus suis prefati J. & heredi-  
 bus suis imperpetuum Et preterea predicti R. &  
 C. concesserunt pro se & heredibus ipsis R. quod  
 si war predicto J. & heredibus suis predicta  
 Paneria Tenementa Communias Libertat &  
 Wic Franc pleg cum pectin contra predictos  
 R. & C. & heredes ipsius R. imperpetuum Et pro  
 &c.

pro & cognite reddidit die Sep-  
 tembris Anno Regni Regis  
 Caroli secundi duodecimo

Robert Hyde.

R From

(sigill m) Hugo & 1990

From one and his Wife to two, of Messu-  
ges, Obseques, Tolls, a Dove-house, Gar-  
dens, Orchards, Lands, Meadow, Pasture,  
Wood, Furze and Heath, Rent, Com-  
Leet, and View of Frank-pledge, and of  
the Moiety of a Manor, with Warranty  
against the Heirs of the Man.

Heref. ff. **P**recipe R. P. Generoso & Anne  
uxori eius qd iuste, &c. centum  
J. P. Gerd & C. L. Gerd Conventionem, &c.  
de sex messuagis sex toragis sex tollis sex  
Columbar, duobus Gardens duobus Dominiis  
trecentis Acres Terre centum Acres Prati  
centis Acres Pasture viginti Acres Soli  
viginti Acres Pampuorum & Buree viginti Mil-  
lat Reddit Cur Let & Wils Franc pleg cum  
perrid in parva C. alias R. A. P. & P. & A.  
medietate Panerit de P. Et null, &c.

Et est Concordia talis scilicet quod predicti R.  
& A. recognoverunt predicta Tenementa Cur  
Let Wils Franc pleg & medietatem predictam  
eum pertinentiis esse suis ipsius J. & illi quod  
idem J. & C. habent de dono Pricorum R.  
& A. Et illi remiserunt & quicquid clamaret  
de ipsis R. & A. & heres suis predicti J. & C.  
& heres ipsius J. imperpetuum. Et predicti  
predicti R. & A. concesserunt pro se & heres  
ipsius R. quod ipsi war predictis J. & C. & he-  
res ipsius J. predicta Tenementa Cur Let Wils  
Franc pleg & medietatem predictam cum per-  
rid contra predicti R. & A. & heres ipsius R.  
imperpetuum Et p hac, &c.

Capit & cognit (ut supra.)

From

from one to two, of Land, Meadow and  
Pasture, with general Warranty.

anabr. II. **P**recipe J. D. Armigero quod  
Iuste, &c. teneat T. C. Ar-  
migero & Jo. L. Clerico Conventiorem, &c.  
triginti Acres Terre decem Acres Prati &  
decem Acres Pasture cum pertinentiis in S. & F. Et  
c.

Et est Concordia talis scilicet quod predictus J.  
cognovit predicta tenementa cum pertinentiis esse  
suis ipsius T. ut sit que iidem T. & Jo. ha-  
bent de dono predicti J. Et sit remissa & quere-  
lam ab eis de se & heredibus suis predictis  
T. & Jo. & heredibus ipsius T. imperpetuum Et  
cetera predicti J. concessit pro se & heredibus  
suis quod ipsi war. predictis T. & Jo. & heredibus  
T. predicta tenementa cum pertinentiis contra  
se & heredibus suos imperpetuum Et c.

apt & cognit (ut supra.)

from one and his Wife to one, of a Manor,  
Land, Meadow and Pasture, upon a Grant  
for 99 Years without Impeachment of  
Waste, rendering a Pepper-Corn, with  
Warranty against the Heirs of the Man.

omerl. II. **P**recipe R. B. & W. uxori ejus  
quod Iuste, &c. teneant C. B.  
Armigero Conventiorem, &c. de Paneto de  
c. cum pertinentiis ac de ducentis Acres Terre tres  
centis Acres Prati & ducentis Acres Pasture cum  
pertinentiis in S. Et c.



Et est Concordia talis scilicet quod predicti R. & P. concesserunt predicto C. predicta Manerium & Tenementa cum pertinentiis habendum & tenendum predicta Manerium & Tenementa cum pertinentiis predicto C. a Festo Sancti Michaelis Archangelii prior' preterito usque finem termini nonaginta & novem annorum erunt prior' sequendi & plenarie complendi absque impericione alicujus vassalli reddendū inde annuatim predictis R. & P. & heredibus ipsius R. unum Granum Piperis ad Festum Nativitatis Sancti Johannis Baptiste si petatur Et predicti R. & P. & heredes ipsius R. war' predicti C. predicta Manerium & Tenementa cum pertinentiis predictum est contra predictos R. & P. & heredes ipsius R. toto termino predicto Et per hac, &c.

Capit' & cognit' (ut supra.)

From one and his Wife, to two, of the  
Moiety of a Moiety of twenty Acres of  
Meadow, and ten Acres of Pasture.

Civit' Coventr' ff. **P**recepto Johanni Bello Generoso & D. unius ejus quod fuisse, &c. teneant H. I. & J. M. Conventionem, &c. de medietate medietatis viginti Acrarum prout & decem Acrarum Pasture cum pertinentiis in Civitate Cobentrie Et nisi, &c.

Et est Concordia talis scilicet quod predicti J. & D. recognoverunt predictam medietatem cum pertinentiis esse jus ipsius H. ut illam quam ipsi H. & J. M. habent de dono predictorum J. & D. Et illi remiserunt & quiet' clamant ipsi J. D. & D. & heredibus suis prefat' H.

J. M. & heres ipsius H. imppetuum Et pterea  
idem J. S. & D. concesserunt p se & heres ipsius  
J. qd ipse war pdictis H. & J. M. & heres ipsius  
H. pdictam medietatem cum pñd contra pdictos  
J. S. & D. & heres ipsius J. ac contra heres A. S.  
defunct matris ipsius J. ac W. S. defunct Aui  
dicti J. ac contra omnes alios clamantes p pñc-  
tis J. S. & D. A. & W. aut eorum aliquem imp-  
petuum Et p hac, &c.

Capit & cogniti (ut supra)

From one and his Wife, and two others, to  
one, of a Manor, Tenements, Rent and  
Common of Pasture.

Norht' ff. **P**recipe J. C. Armigero & C.  
uxori eius J. M. Generoso &  
J. C. Generoso quod fuisse, &c. ten J. L. Mi-  
si & Baronetto Conventionem, &c. de Pane-  
to de R. cum pñd ac de sex Melusagiis qua-  
tor Cotagiis duobus Molendinis uno Colum-  
ac sex Gardinis sex Pomariis quadringentis  
Acris Terre viginti Acris Prati octoginta Acris  
Pasture quatuor Acris Folci quadraginta Acris  
Camporum & Buere quinquaginta solidat red-  
dit reddit duorum Caponum & Communia Pa-  
ture p omnimodis averiis cum pñd in R. alias,  
& S. H. J. & A. parva Et nisi, &c.

Et est Concordia talis scite quod predicti J.  
& C. J. M. & R. recogni predicti Pane-  
um Tenementa reddit & Communiam Pa-  
ture cum pñd esse jus ipsius J. L. ut ill-  
de idem J. L. habet de dono predictorum J.  
& C. J. M. & R. & ill remiserunt & quiete  
amaverunt de ipsis J. C. & C. J. M. &  
& heredibus suis pñcto J. L. & heredibus  
suis

suis imperpetuum Et p[re]terea s[ibi]dem J. G. & C.  
 concesserunt pro se & heredibus suis J. G. & C.  
 ipsi war p[re]dicto J. L. & heredibus suis J. G. & C.  
 p[re]dictum Tenementa reddit & Communitatem  
 Pasture cum p[er]tin[ent]ia contra p[re]dicto J. G. & C.  
 red ipsius J. imperpetuum Et p[re]terea s[ibi]dem  
 G. concessit pro se & heredibus suis quod ip[s]e  
 war p[re]dicto J. L. & heredibus suis p[re]dicta  
 Tenementa reddit & Communitatem  
 Pasture cum p[er]tin[ent]ia contra p[re]dictum J. G. & C.  
 redes suos imperpetuum Et etiam s[ibi]dem R. con-  
 cessit pro se & heredibus suis quod ip[s]e  
 J. L. & heredibus suis p[re]dicta Tenementa  
 reddit & Communitatem Pasture cum p[er]tin[ent]ia  
 tra p[re]dictum R. & heredes suos imperpetuum  
 pro hac, &c.

Cap[itu]l[um] & cognit[um] p[er] p[re]dictos J. G. & C.  
 vicesimo primo die Januarii Anno  
 Regni Regis Caroli secundi v[er]o  
 decimo coram

G. P.

I. A.

Cap[itu]l[um] & cognit[um] p[er] p[re]dictos J. G. & C.  
 R. C. primo die Februarii Anno  
 Regni Regis Caroli secundi ter-  
 tio decimo coram

T. G.

T. B.

A *Præcipe* of Stables (among other Things)

Midd' fl. **P**recipe Georgio Wright & C.  
 herbe p[ro]xi[mo] eius quod iussit,  
 teneant Roberto Worley Conventiorem, &c.  
 duobus Meluagis tribus Stabulis &

Cardinis cum p[re]s[ent]e in Parochia Sancti Egidii in  
Campis Et n[on] s[ed] sc.

Et est concordia talis scilicet quod p[re]dicti C. &  
C. recogn[osc]unt p[re]dicta Tenementa cum p[er]tinentiis esse  
suis, &c. (ut supra.)

A *Præcipe of Rent issuing out of a Rectory.*

London. ff. **P**ræcipe C. D. vicarie & J. R.  
& C. uxori eius quod iuste, &c.  
et W. R. Can[onicus], &c. de annuali reddit[us] viginti  
quarum librarum ex[em]pt[um] de Rectoria Parochie  
Sancti Egidii extra Muros cum p[re]s[ent]e Et  
n[on] s[ed] sc.

Et est Concordia talis scilicet quod p[re]dicti C.  
& C. recogn[osc]unt p[re]dict[um] reddit[um] esse ius, &c. ut in

Another of the same.

Lincoln. ff. **P**ræcipe J. B. et iuste, &c. ten[ent]i  
C. Can[onicus], &c. de annuali reddit[us]  
12s. 8d. ex[em]pt[um] de Rectoria de P[ar]ochia  
cum p[re]s[ent]e Et n[on] s[ed] sc.

*Præcipe of Rent issuing out of divers  
Manors.*

Comerf. ff. **P**ræcipe D. S. quod iuste, &c. ten[ent]i  
J. C. Can[onicus] &c. de annuali red[itu]  
13l. 19s. 8d. ex[em]pt[um] de Paneris de T[un]st[un]  
on Chedder & Stowey cum p[re]s[ent]e Et n[on] s[ed] sc.



Of a Manor, Tenements, Common of Pasture for all manner of Cattle, and of the Advowson of the Church of S. with Warranty against all Men.

Lincoln' ff. **P**recipe Roberto Thorogood Generoso & Anne uxori ejus qd iuste, &c. teneant Richardo Wetherhook Conventiorem, &c. de Paneris de S. cum p[ar]te ac de duobus Metuagis septem Cottagis uno Colubbar duobus Gardinis duobus Pomariis p[ar]tibus & viginti Aeris Terre quadraginta & quinque Acreis Prati quinquaginta & quinque Aeris Pasture Communia Pasture p[er] omnibus averiis cum p[ar]te in S. Acetiam de Advocatione Ecclesie de S. n[on]nulla, &c.

Et est Concordia talis scilicet quod p[re]dicti Robertus & Anna Recp[er]it p[re]dicta Panerium Tenementa & Communiam Pasture cum p[ar]te ac Advocationem p[re]dictam esse suis ipsius Richardi in illa que idem Richardus habet de dono p[re]dictorum Roberti & Anne Et illi remiserunt & quiete clamaverunt de se & hered. suis p[re]dicto Richardo & heredibus suis imppetuum Et p[ro]pterea idem Robertus & Anna concesserunt p[ro] se & heredibus ipsius Anne qd ipsi war[ant] p[re]dicto Richardo & heredibus suis p[re]dicta Panerium Tenementa & Communiam Pasture cum p[ar]te ac Advocationem p[re]dictam contra omnes homines imppetuum Et p[ro] hac, &c.

Capit & cognit[ur] nono die Februarii Anno Regni Regis Caroli secundi decimo tertio coram me

Orl. Bridgman.

Of a Manor, Site of a Manor, Tenements,  
Court-Leet, Court-Baron, View of Frank-  
pledge, Rectory, and of all manner of  
Tithes, Oblations, Obyentions, Penfions  
and Portions belonging to the faid Recto-  
ry, and of the Advowfon of the Vica-  
ridge of the Church of T. from four to  
one, with Warranty by the first Cogni-  
for againft all Men, by the fecond againft  
him and his Heirs, and by the two laft  
being Husband and Wife, againft them  
and the Heirs of the Wife,

Cantabr' ff. **P**receptum R. C. Armigeri C. C.  
sacre Theologie Doctori & C.  
C. Armigero & P. uxori eius quod iuste, &c.  
teneant G. D. Milite conventionem, &c. de  
Manerio de C. H. cum pertinentiis ac de dicto Ma-  
nerio de C. H. cum pertinentiis ac etiam de viginti  
Pesuagiis quinque Cotagis viginti Gardinis  
viginti Pomariis septingentis Acres Terre cen-  
sum Acres Prati quadringentis sexaginta & qua-  
tuor Acres Pasture quinquaginta Acres Bolet  
Cur Let Cur Farod & Vis Franc pleg cum  
pertinentiis in C. H. S. C. H. C. L. & P. ac de  
Rectoria de T. cum pertinentiis ac de omnibus ac om-  
nimodis decimis Oblationibus Obventionibus  
Penfionibus Portionibus eidem Rectorie spectan-  
tibus pertinentiis ac etiam de Advocatione Vicarie  
Ecclesie de T. Et nisi, &c.

Et est Concordia talis scilicet quod predicti R.  
C. & C. & P. recognoscunt predicta Maner' dictum  
Tenementa Cur Let Cur Baron Vis Franc  
pleg Rectoriam Decimas Oblationes Obven-  
tiones Penfiones & Portiones cum pertinentiis ac  
Advocationem predicta esse sua ipsius G. ut illi  
que idem G. habet de dono predictorum R. C.  
2  
& C.

& C. & M. Et illi remiserunt & quiete clama-  
 verunt de se & heredibus suis predictis C. &  
 heredibus suis imperpetuum Et preterea litem  
 inter eos pro se & heredibus suis quod ipse  
 mar' p'cedat C. & heredibus suis predictis  
 narium sicut Tenementis Cur' Let Cur' Pa-  
 rad' illis Franc' pleg' Ricardus Decimas Oblaciones  
 Obventiones Pensiones & Portiones cum pertinentiis ac  
 Advocacionem predictam contra predictum C. &  
 omnes heredes imperpetuum Et videtur item C.  
 concessit pro se & heredibus suis quod ipse mar'  
 predicto C. & heredibus suis predictis sicut  
 sicut Tenementis Cur' Let Cur' Pa-  
 rad' illis Franc' pleg' Ricardus Decimas Oblaciones  
 Obventiones Pensiones & Portiones cum pertinentiis ac  
 Advocacionem predictam contra predictum C. &  
 heredes suos imperpetuum Et etiam idem C. &  
 M. concesserunt pro se & heredibus ipsius C. &  
 ipsi mar' predicto C. & heredibus is predictis  
 narium sicut Tenementis Cur' Let Cur' Pa-  
 rad' illis Franc' pleg' Ricardus Decimas Oblaciones  
 Obventiones Pensiones & Portiones cum  
 pertinentiis ac Advocacionem predictam contra predictum  
 C. & M. & heredes ipsius M. imperpetuum Et  
 hac. &c.

Cap't & cognit' quinta die Fe-  
 bruarii Anno Regni Regis  
 Caroli secundi tertio decimo  
 coram me

R. Hide.

Per commiss. Teste

24 Jan ejusdem

Regis 12.

A Per-

A *Precipe* of Manors, Messuages, Cottages, Water-mill for Grain, Dove-houses, Gardens, Orchards, Land, Meadow, Pasture, Wood, Furze and Heath, Moor, Land covered with Water, Rent, and Common of Pasture.

Staff. A *P*recipio J. B. Armigero quod iuste &c. tenet J. M. Generoso Conventionem &c. de Inventis de B. & D. cum penam ac de cingenta Solanagis decem Georgis pro Solandis Americis Communita duabus Columbar triginta Gardinis triginta Pomeris verabus mille Acris Terre ducentis Acris Prati quingentis Acris Pasture crescentis Acris Falcis mille Acris Jamnorum & Proere mille Acris Dove decem Acris Terre Aqua coopersa sexaginta solidat Reddit & Communia Pasture pro omnibus averiis cum pertind in Eddulph Overton Over Eddulph Reither Widdulph Rushton Rushton Grange Stoke & Euthen Et nisi, &c.

Et est Concordia talis scite quod predictus J. recognit predicta Baneria Tenementa & Communiam Pasture cum pertind esse ius, &c.

Capit & cogit, &c.

A *Precipe* of Manors, Messuages, Tofts, a Wind-mill, Dove-houses, Gardens, Land, Meadow, Pasture, Wood, Furze and Heath, and of a Rectory, and an Advowson.

Lincoln' ff. *P*recipio J. L. Millic & J. M. L. Armigero quod iuste, &c. tenent C. L. Genoso Baneria de H. alias, &c.



e C. e D. Et illi remiserunt e quiete clama-  
 verunt de se e heredibus suis predictis C. e  
 heredibus suis imperpetuum Et preterea litem  
 in contesse pro se e heredibus suis quod ipsi  
 hac presentia C. e heredibus suis presentia  
 narium Sicut Venementis Cur. Let. Cur. Ra-  
 rad. Wils. Franc. pleg. Regorum Decimas Ob-  
 laciones Obventiones Pensiones e Portiones  
 cum portu ac Advocacionem predictam contra  
 omnes homines imperpetuum Et videtur item e  
 concessis pro se e heredibus suis quod ipsi hac  
 presentia C. e heredibus suis presentia Sicut  
 Sicut Tenementis Cur. Let. Cur. Ra-  
 rad. Wils. Franc. pleg. Regorum Decimas Ob-  
 laciones Obventiones Pensiones e Portiones cum  
 portu ac Advocacionem predictam contra predictam C. e  
 heredes suos imperpetuum Et etiam idem C. e  
 D. concesserunt pro se e heredibus ipsius D. e  
 ipsi hac presentia C. e heredibus suis presentia  
 narium Sicut Tenementis Cur. Let. Cur. Ra-  
 rad. Wils. Franc. pleg. Regorum Decimas Ob-  
 laciones Obventiones Pensiones e Portiones cum  
 portu ac Advocacionem predictam contra ipsam  
 C. e D. e heredes ipsius D. imperpetuum Et  
 hac. &c.

Capit. e cognit. quinta die Fe-  
 bruarii Anno Regni Regis  
 Caroli secundi tertio decimo  
 coram me

R. Hides

Per commiss. Teste

24 Jan. ejusdem

Regis 12.

A Pre

A Precipe of Manors, Messuages, Cottages,  
Water-mill for Grain, Dove-houses, Gar-  
dens, Orchards, Land, Meadow, Pasture,  
Wood, Furze and Heath, Moor, Land co-  
ver'd with Water, Rent, and Common of  
Pasture.

Staff. A Precipe F. R. Armigero quod iuste  
&c. tenet J. D. Censura. Cam-  
bentionem. &c. de Censura de H. & D. cum  
perceptis ac de triginta Saluagibus decem Censuris  
uno Saluagibus Armigero Censura ductus Ca-  
lumbas triginta Gardinis triginta Romanis  
abus mille Acris Terre ducentis Acris Prati  
quingentis Acris Pasture trescentis Acris Sol-  
ci mille Acris Tannagium & Boere mille  
Acris More decem Acris Terre Aqua conperta ser-  
aginta solidat Reddit & Communia Pasture pro  
omnibus averlis cum pertind in Eddulph Over-  
ton Over Eddulph Reither Eddulph Rindon  
Rushon Grange Stoke & Burthen Et nisi, &c.

Et est Concordia talis scilicet quod predictus F.  
recognit predicta Baneria Leuementa & Com-  
munitiam Pasture cum pertind esse ius, &c.

Capit & cogit, &c.

A Precipe of Manors, Messuages, Tofts, a  
Wind-mill, Dove-houses, Gardens, Land,  
Meadow, Pasture, Wood, Furze and  
Heath, and of a Rectory, and an Ad-  
vowson.

Lincoln' ff. Precipe J. L. Millet & W. L.  
Armigero quod iuste, &c. te-  
neant C. L. Censura Baneria de H. alias, &c.

& D. cum pertid ac septuaginta & novem Mes-  
 agia tria Costa unum Molendinum Hentricum  
 undecim Columbar nonaginta Gardin' duas mil-  
 le Quingentas & quadraginta Acres Terre sex-  
 centas Acres Prati mille & sexaginta Acres Pa-  
 sture trescentas & quinquaginta Acres Bosci &  
 centum Acres Jampnozum & Buerre cum per-  
 tid in Honnington alias Hunnington Humberby  
 Coringham Springthorpe Galesborough alias  
 Gainsburgh Wheatbargh alias Wheatburgh &  
 Magna Coringham Acreham Rectoziam de Hon-  
 nington alias Hunnington cum pertid Rector  
 Abbotacionem Vicarie Ecclesie de Honnington ali-  
 as Hunnington Et nisi, &c.

Et est concordia talis scilicet quod predicti A. &  
 B. recognov' predicti Paneria Tenementa & Rec-  
 toziam cum pertid ac Abbotacionem predictam  
 esse sua, &c.

Capit' & cognit', &c.

*Præcipe and Concord where one Cognisor  
 warrants one Part, another warrants ano-  
 ther Part, and a third another Part.*

Midd' ff. **P**recipe A. B. C. & D. ux' eius  
 D. C. C. & F. ux' eius G. H.  
 C. & J. ux' eius quod fuisse, &c. ten' L. P. Al  
 Conventionem, &c. de tribus Mesuag' tribus hor-  
 reis tribus gardinis uno pomario quinquaginta  
 acris terre decem acris prati triginta acris pasture  
 & decem acris bosci cum pertid in A. P. & S.  
 Et nisi, &c.

Et est Concordia talis scilicet quod præd A. &  
 C. D. & F. G. & J. recognov' præd tenementa cum  
 pertid

pertinē esse suis ipsius L. ut illi que idem L. ha-  
 beret de dono predicti A. & C. D. & F. G. & I.  
 Et illi remisit & quieti claudē de ipsis A. & C. D.  
 & F. G. & I. prefat L. & heredibus suis imper-  
 petuum Et preterea idem A. & C. concessit pro  
 se & heredibus ipsis A. quod ipsi warant unum me-  
 suagium unum horreum & unum gardinum par-  
 cel tenementorum p̄es in A. p̄es prefat L.  
 & heredibus suis contra p̄es A. & C. & heredē  
 ipsius A. imperpetuum Et etiam idem D. & F.  
 concessit pro se & heredibus ipsis D. quod ipsi  
 warant alterum Mesuagium unum horreum u-  
 num gardinum & p̄es pomarium & p̄es quinquag-  
 inta ac̄ terre decem ac̄ prati triginti ac̄ pa-  
 sture & decem ac̄ bosci parcel tenementorum p̄es  
 in P. p̄es prefat L. & heredibus suis contra ip-  
 sos D. & F. & heredē ipsius D. imperpetuum Et  
 ulterius idem G. & I. concessit pro se & heredē  
 ipsius G. p̄es ipsi warant unum Mesuagium unum  
 horreum unum gardinum restis tenementorum p̄es  
 in S. p̄es predicta L. & heredibus suis contra  
 p̄es G. I. & heredē ipsius G. imperpetuum Et  
 pro hac, &c.

The Form of a Fine levied by Tenants for  
 Life of their Terms *sur Concessit*.

Midd' ff. **P**Recipe A. B. & C. ut' eius quod  
 iuste, &c. teneant D. C. Con-  
 ventionem, &c. de uno Mesuagio centum ac̄ cer-  
 re sexaginta ac̄ prati octoginta ac̄ pastur centum  
 ac̄ bosci centum & viginti ac̄ sampnozū & by-  
 ere & communia pasture pro omnibus averlis cum  
 pertinē in F. Et nisi, &c.

Et



Et est Concordia talis scilicet quod predicti  
 A. & C. concessit prefat. D. p[re]s[ent]em tenementum  
 totumque pasturam cum pertinentiis ac totum & quan-  
 quid ibidem A. & C. in p[re]s[ent]i tenementis com-  
 munia pasturam cum pertinentiis ad terminum d[omi]ni  
 ipsorum A. & C. & eorum alterius diutius vivere  
 habeant Et illi eidem D. in eadem Tur[ra] redi-  
 de habendo & tenendo eidem D. tota vita ipsorum  
 A. & C. & eorum alterius diutius vivere Et p[re]s[ent]i  
 A. & C. warrant prefat. D. p[re]s[ent]em tenementum & com-  
 muniam pasturam cum pertinentiis sicut p[re]s[ent]i est contra  
 p[re]s[ent]i A. & C. tota vita ipsorum A. & C. & eorum  
 alterius diutius vivere & p[ro] hac, &c.

### Fine of a Manor in Possession, and other Lands in Reversion.

Et est Concordia talis scilicet quod predicti A.  
 recognovit, &c. esse suum ipsius J. de quibus idem  
 J. habet p[re]s[ent]em Manor cum pertinentiis duo messuagii  
 cum pertinentiis in S. parcel tenementorum p[re]s[ent]i de  
 dono p[re]s[ent]i W. & illi remisit, &c. Et concessit p[ro]  
 se & heredibus suis p[re]s[ent]i duo messuagii cum pertinentiis in R.  
 p[re]s[ent]i reversionem p[re]s[ent]i que A. B. v[er]o tenet ad  
 terminum vite sue de hereditate, &c. post decessum  
 ipsius A. B. integre reman[eat] p[re]s[ent]i J. B. & heredibus  
 suis tenendo sicut cum p[re]s[ent]i manerio & tenementis  
 p[re]s[ent]i que et per suum solum reman[eat] de capita-  
 libus dominiis, &c. Et p[re]s[ent]i W. B. & heredibus  
 suis warrant prefat. J. & heredibus suis manerio &  
 tenementa cum pertinentiis sicut dictum est contra  
 omnes homines imperpetuum Et p[ro] hac, &c.

From a Baron and his Lady to a Duke, of a Manor, Tenements, Rent, Common of Pasture, free Warren, View of Frank-pledge, Fishing, and an Advowson, with Warranty against the Heirs of the Baron.

Et hoc est. **P**receptum E. R. filii Regine. Baroni de C. iusta Regium. Dicitur et A. dicitur etas quod iure, et. censant. D. Dicit de A. conventionem, et. de manerio de S. super D. cum percin. Ac de triginta et septem Mesuagis tribus coltis tribus molendi. et aqueductis triginta et sex gardinis triginta et quinque pomariis septentis et quinque acris terre censentis et decingula acris prati mille trecentis et octo acris pasture centum acris bosci decem totum reddit. Communiam pasture libera warrenia et pascua Franc. Pleb. cum percin. in S. super D. et C. Aetiam de libera Villania in aqua de D. Aetiam de Advocatione Ecclesie de S. super D. Et nisi, et.

Et est Concordia talis scilicet quod predicti E. et A. recogit predicti Manerium Tenementa reddit Communiam Pasture Warreniam et pascua Franc. Pleb. et Villariam cum percin. et Advocationem predictam esse ius ipsius Ducis et. et. que idem Dux habet de dono predictorum E. et A. Et illi remiserunt et quiete clamaverunt de se et heredibus suis predictis Duci et heredibus suis imperpetuum. Et preterea idem E. et A. concesserunt pro se et heredibus ipsius E. quod ipsi war predicto Duci et heredibus suis predicta Manerium Tenementa reddit Communiam Pasture Warreniam et pascua

W<sup>il</sup> Franc Pleg & Piscariam cum pertind et  
Advocationem predictam contra predictos T. & A.  
& heredes ipsius T. imperpetuum Et pro hoc  
et.

Capit & cognit, et.

Of the Moiety of two Messuages, a Dove-  
house, two Gardens, two Orchards, and  
of divers Quantities of Land, Meadow,  
Pasture, Wood, Furze and Heath, and of  
the Moiety of the Moiety of a Manor.

Leic' ff. **P**recipe Thome Willson quod iust,  
et. teneat Christophoro Park Ar-  
migero & Thome Stamp Conventiorem, et. de  
medietate duorum Deluagiorum unius Colum-  
bar' duorum Gardinorum duorum Pomariorum  
viginti acrarum terre centum & viginti acrarum  
 prati quadringentarum acrarum pasture quinde-  
cim acrarum bosci & sexaginta acrarum Jampu-  
rum & huius cum pertind in Bebehorpe Togh  
alias Tokeby & Goadby Ac de medietate medie-  
tatis Panerrii de Repthorpe cum pertind Et iust,  
et.

Et est Concordia talis scilicet quod predicti Tho-  
mas Willson recognovit predictam medietatem cum pertind  
esse suis ipsius Christophori ut illi que eidem Chris-  
tophorus & Thomas Stamp habent de bona pre-  
dicti Thome Willson Et illi remisit & quiete cla-  
mabit de se & heredibus suis predictis Christophori  
& Thome & heredibus ipsius C. imperpetuum Et  
preterea Idem Thomas Willson concessit pro se  
& heredibus suis quod ipsi war' predictis Christopho-  
ro & Thome Stamp & heredibus ipsius Christopho-  
ri poideas medietates cum pertind contra predicti  
Th.

Capitulum cognovit dictum die 11<sup>mo</sup> mensis  
 Augusti Anno Regni Dei Caroli  
 secundi nunc Regis Anglie, et  
 tertio decimo coram me

Of a Message in London from two, (viz. a Man and his Wife) to one, with Warranty against the Heirs of the Husband, and against the Heirs of his Father and Grandfather, and against all others claiming by him, his Father and Grandfather, or any of them.

Franc. C. D. Conbencionem, &c. de uno Desuagio  
 cum pectus in Patrobia sancti Benedicti alias  
 sancti Benedicti Gatechurch Et nra. &c.

[illegible]

apt e cognit ut supra.



Of certain Messuages and fresh Marsh; a Rectory, and all manner of Tithes, Oblations, Obventions, Portions and Emoluments thereunto belonging; and of the Advowson of a Vicaridge.

Lincoln' ff. **P** Recipe C. B. Armigero quod iuste, &c. teneat T. B. generoso Conventionem, &c. de octo Messuagiis & millibus ducentis acris Parisci Scillei cum pertinentiis in Mainfleet Sancte Marie Ac de Rectoria de Mainfleet Sancte Marie cum pertinentiis Decimis omnibus omnimodis Decimis Oblationibus Obventionibus Portionibus & Emolumentis quibuscunque presentem crescentem seu renovandam de & in Mainfleet Sancte Marie & Rectorie de Mainfleet Sancte Marie pro spectandis sive pertinentiis Acertiam de Advocatione Ecclesie de Mainfleet Sancte Marie Et nisi, &c.

Et est Concordia talis scilicet quod predictus C. recognovit predicta Tenementa Rectoriam Decimas Oblationes Obventiones Portiones & Emolumenta cum pertinentiis ac Advocationem predictam esse suos ipsius C. ut illi que idem T. habet de predictis C. Et illi remisit & quiete clamabit de se & heredibus suis predicto T. & heredibus suis imppetuum Et preterea idem C. concessit pro se & heredibus suis quod ipsi war' predicto T. & heredibus suis predicta Tenementa Rectoriam Decimas Oblationes Obventiones Portiones & Emolumenta cum pertinentiis ac Advocationem predictam contra predictum C. & heredes suos imppetuum Et per hac, &c.

Capit & cognit ut supra.

Of a Messuage, two Gardens, an Orchard,  
certain Land, Meadow, Pasture and Wood.  
The first Vesture of 31 Acres of Meadow,  
and Common of Pasture for 16 Cattle and  
700 Sheep.

Wilts' ff. **P**recipe W. B. generoso & R. uxori  
ejus quod fuisse, &c. teneant J. P.  
generoso Conventionem, &c. de uno Meluagio  
duobus Cardinis uno Pomario crescentis & octo-  
ginta Acris Terre triginta & sex Acris Prati tres-  
centis & triginta Acris Pasture viginti & duabus  
Acr Bosci prima Vestura triginta & unius Acr  
Prati & Communiam Pasture p. lxxviii Aberlis  
& septingentis Obibus cum p. in Watton &  
Westbury Et nisi, &c.

Et est Concordia talis scilicet quod p. dicit W. &  
R. recogn. predicta Tenementa Vesturam & Com-  
muniā Pasture cum p. esse J. ipsius J. ut  
ill. que idem J. habet de dono p. ditorum W. & R.  
Et ill. remiserunt & quiete clamaverunt de se &  
heredibus ipsius W. p. dicio J. & heredibus suis  
impetuum Et p. terea libem W. & R. concess-  
erunt p. se & heredibus ipsius W. quod ipsi W. &  
p. dicio J. & heredibus suis p. dicit Tenementa  
Vesturam & Communiam Pasture cum p. con-  
tra p. dicos W. & R. & heredes ipsius W. impe-  
tuum Et p. hac, &c.

Capit & cognit', &c. ut supra.

From two Cognifors to one Cognifce, of certain Tenements and Common of Paf-  
 ſture for Cattle *ſans* Number, with War-  
 ranty againſt the firſt Cognifor and his  
 Heirs, and againſt the Heirs of his Father,  
 Grandfather, Great Uncle, and Great  
 Grandfather, and againſt all others claim-  
 ing by them, or any of them.

Ebor' ff. **P**reſcipe J. R. Baroneſ & S. vici-  
 etus quod iſſe, &c. teneant J. L.  
 Militi & Baroneſ Conventiorem, &c. de quibus  
 Meluagii quing. Cardinis centum Aeris Tem-  
 decem Aeris Prati triginta Aer Paſture & Com-  
 munitia Paſture p omni modis Averii cum p  
 in Benily Arkley Stockbridge & Parr Et al.  
 &c.

Et eſt Concordia talis ſciſt: quod pdicti J. R.  
 & S. recogn pdict Tenementa & Communiam  
 Paſtur cum pnd eſſe ſus ipſius J. R. ut ill qu  
 idem J. habet de dono p J. R. & S. Et ill re  
 miſerunt & quiete clamaverunt de ſe & hered ip  
 ſus J. R. pdict J. R. & hered ſuis imperpetuum  
 p terra idem J. R. & S. conceſſerunt p ſe & he-  
 red ipſius J. R. quod ipſi war pdict J. R. & he-  
 red ſuis p Tenementa & Communiam Paſtur  
 cum pnd contra pdict J. R. & S. & hered ipſius  
 J. R. ac contra heredes J. R. Militis & Baroneſ  
 defuncti patris p J. Ac contra hered. J. R. Am-  
 mig. defuncti Avi p J. Ac contra hered G. R.  
 Gen Proavunculi p J. Ac contra hered R. R.  
 defuncti Proavi p J. Ac contra omnes alios cla-  
 mantes p p J. R. J. R. J. R. & G. R. ac  
 eor aliquem imperpetuum Et p hac, &c.

Capl & cognif, &c. ut ſupra.

From

From four Cognifers, to one Cognisee, of  
divers Manors, the Sites of two dissolved  
Monasteries, of divers Messuages, Cotta-  
ges, Tofts, a Wind-mill for Grain, cer-  
tain Gardens, Orchards, Land, Meadow,  
Pasture, Woody Furze and Heathy Marsh,  
Common of Pasture for all manner of  
Cattle, free Fisking, Coufts-Leet, Courts-  
Baron, and View of Frank-pledge.

Lincoln' II. **P**recipe J. Dominus W. de P.  
W. F. Arnigeto & J. uxor  
Jus & C. W. quod iuste et tenet C. L. Con-  
ventionem, et de Maner de W. B. & S. T. B.  
P. alias, et cum pertinenti de de Aulus imper  
Monasterio de Barnepe & Eupholme cum pertinenti  
Pecnon de septuaginta & tribus Hibernis octo  
centa & quatuor Coragiis quindecim Tofts uno  
Holendino ventricico septuaginta & tribus Car-  
minis septuaginta & tribus Pomariis duabus mille  
trecentis Acris Terre quingentis Acris prati  
mille & trescentis Acris Pasture centum & quoda-  
centa Acris Bosci mille & quingentis Acris Zamp-  
orum & Buere septingentis & quinquaginta A-  
cris Harlei Communia Pasture pro omnimodis  
liberis libera Piscaria in Aqua de Wicheham Cur  
et Cur Baron & Wils Franc Pleg cum pertinenti in  
S. R. B. M. L. & W. Et nisi, et.

Et est Concordia talis scilicet quod predicti  
W. & J. & C. recognoscunt predictam Manerla Sic  
Tenementa Communiam Pasture Piscaria  
Cur et Cur Baron & Wils Franc Pleg  
cum pertinenti esse suis ipsius C. ut illi que idem  
C. habet de dono predictorum J. W. & J.  
C. Et illi remiserunt & quiete clamaverunt



de se & heredibus suis p̄dict C. & heredibus suis  
imperpetuum Et preterea idem J. concessit pro  
se & heredibus suis quod ipsi war p̄dicto C. &  
heredibus suis p̄dicta Paneria Sit Tenementa  
Communiam Pastur Piscariam Cur Let Cur  
Baron & W̄s Franc Pleg cum p̄ind contra p̄di-  
ctum J. & heredes suos imperpetuum Et ulter-  
ius idem W. & J. concesserunt pro se & heredi-  
bus ipsius J. quod ipsi war p̄dicto C. & heredi-  
bus suis p̄dicta Paneria Sit Tenementa Com-  
munitiam Pasture Piscariam Cur Let Cur Pa-  
ron & W̄s Franc Pleg cum p̄ind contra p̄dict  
W. & J. & heredes ipsius J. imperpetuum Et  
etiam eadem C. concessit pro se & heredibus suis  
q̄d ipsi War p̄dict C. & heredibus suis p̄dict  
Paneria Sit Tenementa Communiam Pastur  
Piscariam Cur Let Cur Baron & W̄s Franc  
Pleg cum p̄ind contra p̄dictam C. & heredes  
suos imperpetuum Et p̄ hac, &c.

Capit & cognit, &c.

Of divers Manors, Messuages, Cottages, Gar-  
dens, Orchards, Land, Meadow, Pasture,  
Wood, Furze and Heath: As also of a Cha-  
pel, and the Advowson of two Churches.

Essex' ff. **P**recipe C. B. Militi q̄d iuste, &c.  
ten J. M. Gen Con, &c. de  
Paneriis de H. W. alias C. G. J. R. alias, &c.  
& W. alias S. cum p̄ind Ac de viginti  
& novem Mesuagiis tresdecim Cottagiis tri-  
ginta & sex Gardinis trigint & sex Pomari-  
is mille quingent & quinquagint Acris Ter-  
centum triginta & quinq Acris P̄iaci mille  
Acris Pasture trescentis Acris Rampnoz &  
Buerre

Quere cum pertind in Hemstead alias Hem-  
sted Hampford magna Hampford parva Wymbish  
diaple Bumpstead alias Stceple Wumpsted  
Wumpsted St. Vellens Finchingsfeld Radwincer  
Ashcon Barklowe & Stenington Necnon de Ca-  
bella de Hamsted cum pertin' Acetiam de Ad-  
vocationibus Ecclesiarum de Hampford magna  
Humpsted, &c. Et nisi, &c.

Et est concordia talis scilicet quod predict' C. re-  
cogit predict' Maneria Tenement & Capellam  
cum pertind ac Advocaciones predict' esse ius ip-  
sus J. ut illi que idem J. habet de dono po-  
t. Et illi remissit & quiete clamabit de se &  
heredibus suis predict' J. & heredibus suis im-  
perpetuum Et preterea idem C. concessit pro  
& heredibus suis quod ipse war' predict' J.  
heredibus suis predict' Maneria Tenemen-  
& Capellam cum pertind contra predictum  
J. & heredes suos imperpetuum Et pro hac,  
Capit & cognit, &c. ut supra.

from three Cognisors (whereof the two first  
are Earls) to one Cognisee, with Warranty  
by the first Cognisor against him and his  
Heirs, and against the Heirs of his Father,  
Mother and Grandmother, and of another  
Person, deceased; and against the two  
other Cognisors and their Heirs, and  
against all others claiming by them or  
any of them.

Wils' ff. **P**Recipe M. Comiti W. J. Comi-  
ti C. & T. L. Armigero quod  
ante, &c. ten J. S. Generoso Conventionem,  
&c. de uno Mesuagio uno Cotagio duobus  
F 4 Car

Gardinis duobus pomañis (singula & vobis  
 acris terre crespecum acris ppañi decem  
 tent acris pasturæ & communia pasturæ ppañi  
 nibus abeñtis cum ppañi in d. alias & q.  
 nisi, q. nonob. & ppañi & ppañi & ppañi

Et est Concordia talis scilicet quod predicti  
 Comes Comes & D. decogit predicta Tenementa & Communiam Pasture cum ppañi  
 neid. illis ius ipsius J. S. ut illi quo idem J.  
 habet de dono predictorum Comitum Comitis  
 & T. Coll. remiserunt & quiete clamade-  
 runt de se & heredibus suis imperpetuum &  
 preterea ibidem Comes J. concessit pro se &  
 heredibus suis quod ipsi mar. predicto J. S. &  
 heredibus suis predicta Tenementa & Commu-  
 niam Pasture cum ppañi contra predictum  
 Comitem & heredes suos & canola heredes  
 Comitum J. & D. uxoris regis Patrie & Pa-  
 tris predicti Comitum G. M. Avia predicti Co-  
 mitis & H. S. Milicis defunctorum ac contra  
 predictum Comitem C. & T. & heredes suos  
 contra omnes alios clamantes per predictos Co-  
 mitem Comitem & D. G. V. Comitem & T.  
 aut eorum aliquem imperpetuum Et blun-  
 item Comes concessit pro se & heredibus suis  
 quod ipsi mar. predicto J. S. & heredibus suis  
 predicta Tenementa & Communiam Pasture  
 cum ppañi contra predictum Comitem  
 heredes suos imperpetuum Et etiam idem  
 concessit pro se & heredibus suis quod ipsi  
 predicto J. S. & heredibus suis predicta Tenementa  
 & Communiam pasture cum ppañi contra  
 predictum T. & heredes suos imperpetuum  
 J. hac, ec.

Capitulum et Collegium de Doctoribus Comi-  
tatum et Comitum C. 28 die  
Junii Anno Regni Regis Caro-  
li secundi 23. coram nobis

செ. இ.

1788. Dec.  
 Potest. 27  
 die Junii  
 Anno 13.  
 supras  
 dicto.

Capit & cognist p Poictum. E. pri-  
mo die Julii Anno Regni Regis  
Caroli secundi 13. 0020m.

卷之四

From Husband and Wife, Cognifors to one  
Cognifee, of the yearly Rent of fix  
Pounds and a Mark, iffuing out of feve-  
ral Meffuages in London; being a Fine *sur  
conceffit* for ninety-nine Years, (if the Wife  
fhall fo long live.)

London. ff. **P**laene Willm. Wierlon. Et Eli-  
sabe. de vici ejus quod iuste,  
et cum Roberto Smith Armigero Compens-  
ationem, et de Annuali Redditi de Librarium  
tresdecim Solidorum et quatuor Denariorum  
exant de quatuor Vestigiis cum pertinentiis  
in parochia Sancti Johannis Evangeliste, Et  
nm, et.

Et est concordia talis scilicet quod predicti  
 Willms Et Elisabetha concesserunt predicto  
 Roberto predicti Redditiu habendū & precipiendū  
 predicti Redditiu eipem Robto a Petri Scti  
 Michaelis Archangeli usque preceit usque finem  
 termini nonaginta & novem annorum expunc  
 prior sequenū & plenarie complenū (si predicti  
 Elisabetha tamdiu vivet) Et predicti Wil-



lielmus & Elisabetha war predict Robto predict  
 Redditum sicut predict est contra predict Williel-  
 mum & Elisabetham toto termino predict (si pre-  
 dicta Elisabetha tandem viderit) Et pro hac, &c.

Capit & cognit, ut supra.

*A Fine levied upon three Writs of Cove-  
 nant, viz.*

1. Of divers Honors, Castles, Manors, Parks, several Messuages, Cottages, Mills, Dove-houses, certain Land, Meadow, Pasture, Wood, Furze and Heath, marsh Ground, of Rent, of Common of Pasture, View of Frank-pledge, and whatsoever belongs thereto, Knights Fees, Ward, Marriages, Escheats, Waifs, Estrays, Goods and Chattels of Felons, Fugitives and Outlaws, Persons attainted, Felons *de se*, Deodands, Treasure-trove, Markets, Wrecks of the Sea, free Warren, free Fishing in the Waters of *D. H.* and *T.* of the Advowson of the Church of *B. P.* as also of the Moiety of the Manor of *H.* and of the Knights Fees, Wards, Marriages, Escheats, Waifs, Estrays, Goods and Chattels of Felons, Fugitives and Outlaws, and Persons attainted, Fairs, Markets, Wrecks of the Sea, and free Warren in *H.* and of the fourth Part of the Hundred of *H.* as also of the eighth Part of a Barn in *D.* in the County of *Devon*.
2. Of a Manor, several Messuages, Cottages, Corn-mills, a Dove-house, several Gardens, Orchards, great Quantities of Land, Meadow, Pasture, Wood, Furze and Heath, and 60 s. Rent in *M. Ec.* in the County of *Wiltz*, &c.

3. Of Land, Meadow, Pasture, Furze and Heath in M. Ec. in the County of Somerset.

Devon' ff. **P** Recipe C. S. Faronetto & A. urozi ejus C. S. Armigero filio & heredi apparen' p'edicti C. & P. urozi ejus & C. S. quod iuste, &c. tenent R. C. Generoso & C. L. Generoso Conventionem, &c. de Honoribus de T. & B. P. cum pertind' Ac de Castris de T. & B. P. cum pertind' Ac de Panneris de T. & B. P. cum pertind' P'edon de Parris de T. & B. P. cum pertind' Acetiam de nonaginta Mesuaglis quadraginta Coraglis quinque Molendinis duobus Columbar mille & ducentis Acris Terre quingentis Acris P'ari octingentis Acris Pasture ducentis Acris Fosci quadringent Acris Zampnozorum & Buere centum Acris Parisci viginti Librat' Reddi' Communia Pasture Vis Franc' pleg' & quicquid ad Vis' Franc' pleg' p'inet Feod' Milit' Wardis Paricaglis C'chaetis bonis & catallis Wabiat extrahat bonis & catallis Felonum Fugicivorum W'lagatozorum Attinctozum Felonum de se Deodand' Chelaurat' inveni' Ferilis Mercatis W'ceco Paris & libera W'arennia cum pertind' in Tones Bury Pomeroy Bridge Town Pomeroy Rerberton Longetombe parva Hempston Iplepen Alton alias Affeton Lobelwell Hutho & Denbury Ac de libera Piscarie in Aquis de Darre Gusburne & Tones P'edon de Advocatione Ecclesie de Bury Pomeroy Acetiam de Medietate P'ant de Rurberton alias Rurberton cum pertind' & feod' Militum Wardozum Paricaglor' C'chaet bonozum & catallozum Wabiat extrahat bonozum & catallozum Felonum Fugicivorum W'lagatozorum Attinctozum Feriarum Mercatozorum W'ceco Paris

ris & libere Marrenne cum pertin. Burberton  
alias Herberton Ac de quarta parte Hundre  
de Heytor cum pertin. Pecnon de octava parte  
unius horrei cum pertin. in Denburie Et ni  
li, &c.

Wilt's. **P** Recipe eisdem quod fuisse, &c. te  
neant eisdem Conventionem, &c.  
de Paner de Wapden Bradley cum pertin. &  
de quinquaginta & quinque Meluagiis decem &  
octo Coragiis duobus Molendinis Graniciis  
uno Columbar septuaginta Pomariis quadrin  
gentis Acris Terre centum Acris Prati sexcen  
tis Acris Pasture quadringentis Acris Bosci  
quingentis Acris Tampnozum & Buere & sex  
aginta solidat. Reddit cum pertin. in Wapden  
Bradley Horningesham & Bayliffe Et nili, &c.

Somer's. **P** Recipe eisdem quod fuisse, &c.  
teneant eisdem Conventionem,  
&c. de octoginta Acris Terre viginti Acris Pa  
sture & viginti Acris Tampnozum & Buere cum  
pertin. in Wapden Bradley Horningesham Bay  
liffe & Parnefeld Et nili, &c.

Et est Concordia talis scilicet quod predictus  
Edwardus & Anna Edwardus & Margareta  
& Elisabetha recognoverunt predicta Honores  
Castra Paneris Parcosp Tenementa Reddit  
Communiam Pasture Misi Franc pleg. Feod  
Milit. Warb Parica. Escact bona & catalla  
mabiat extrahat bona & catalla Felonum Fu  
gitiuorum Malagatorum Auinctorum Felonum  
de se Dropanb Whelaur inuent. Fecias Mercat  
Wareccum Paris Warennam Piscarium Medi  
ecatem & Partes cum pertin. Ac Advocacionem  
predictam esse ius ipsius Roberti ut illi que idem  
Robert

Robertus & Georgius habent de dono predicto-  
rum Edwardi & Anne Edwardi & Margarete &  
Elisabethe Et illi remiserunt & quiete clama-  
verunt de ipsis Edwardo & Anna Edwardo & Mar-  
gareta & Elisabetha & heredibus suis predictis  
Roberto & Georgio & heredibus ipsius Roberti  
imperpetuum Et preterea iidem Edwardus Sey-  
mour Baronettus & Anna concesserunt pro se &  
heredibus ipsius Roberti quod ipsi war' predictis  
Roberto & Georgio & heredibus ipsius Roberti  
predicta Honores Castra Maneria Parcos Tene-  
menta Reddit Communiam Pasture Vis Franc  
pleg Feod Milite War' Paritag Elcaet bona  
& catalla wabiat extrahur bona & catalla Felon-  
um Fugitivorum Utlagatorum Attinctorum  
Felonum de se Deodand Thesaur invent Ferias  
Percat Wrecum Paris Wacrennam Wiscari-  
am Medietatem & Partes cum pertin ac advocati-  
onem predictam contra predictos Edwardum &  
Annā & heredes ipsius E. imperpetuum Et ulte-  
rius iidem Edwardus Seymour Armiger & Mar-  
gareta concesserunt pro se & heredibus ipsius Ed-  
wardi quod ipsi war' predictis Robto & Georgio  
& heredibus ipsius Roberti predicta Honores Ca-  
stra Maneria Parcos Tenementa Reddit Com-  
munia pasture Vis Franc pleg Feod Milite  
War' Paritag Elcaet bona & catalla wabiat  
extrahur bona & catalla Felonum Fugitivorum  
Utlagatorum Attinctorum Felonum de se De-  
odand Thesaur invent Ferias Percat Wrec-  
cum Paris Wacrennam Wiscariam Medietate-  
tem & Partes cum pertin ac Advocacionem pre-  
dictam contra predict Edwardum & Margaretam  
& heredes ipsius Edwardi imperpetuum Et in-  
super eadem Elisabetha concessit pro se & here-  
dibus suis quod ipsi war' predictis Robto &  
Georgio



Georgio & heredibus ipsius Robti predicti honores  
 Castra Mania Parcos Tenementa Reddit Com-  
 muniā Pasture Vis Franc pleg Feod Mil  
 Ward Partag Elcaet Bona & Catalla movia  
 extrahur Fona & Catalla Felonum Fugitivu-  
 rum Delagatorum Accinctorum Felonum de se  
 Deodand Thesaur invent Férias Percat Merc-  
 cum Paris Marcenam Piscariam Pedicariam  
 & Partes cum perrid ac Advocacionem predictam  
 contra ipsam Elisabetham & heredes suos imper-  
 petuum Et p hac, &c.

Capit & cognit, &c. ut supra.

An Affidavit (taken by any of the Justices of the Common Pleas) upon the due Execution of the *Dedimus Potestatem* by Commissioners in the Country.

**A**Rthur Bond, Gent. (one of the Commissioners in the Writ of *Dedimus* named) maketh Oath, That this Fine was duly executed, the Cognisees of full Age, and the Feme Covert being secretly and apart examined, willingly consented.

Arthur Bond.

Of a Manor, Grange, divers Messuages, Cottages, several Quantities of Land, Meadow, Pasture, Eurze and Heath, from five Cognisors, (the four last being two Husbands and their Wives with Warranty by the first Cognisor against him and his Heirs, and against the other four Cognisors and their Heirs, and against the Heirs of the Father of two first Cognisors, and against all Persons claiming by them, or any

any of them. 2. Warranty against the second and third Cognisors and the Heirs of the Husband, and all the other Persons named in the first Warranty. 3. Warranty against the two last Cognisors, and the Heirs of the Husband only.

**Nott' A.** **P**recipe Gervasio Cresley Generoso, filio Johi Cresley Generoso & Marie urozi ejus & Robto Bingham Generoso & Elisabethe urozi ejus quod iuste, &c. teneant Robto Clifton Armigero Conventionem, &c. de Panerio de D. alias, &c. cum pertinenti Ac de Glangia de D. alias, &c. cum pertinenti Decnon de septem Mesuagiis quatuor Cotagiis ducenis accis Terre viginti Acris Prati viginti Acris Pasture & centum Acris Ramporum & Buere in D. alias D. C. alias D. S. H. R. & B. Et nisi, &c.

Et est Concordia talis scilicet quod predicti Gervasius Johannes & Maria & Robtus Bingham & Elisabethe recognoverunt predicta Panerium Glangium & tenementa cum pertinenti esse suis Robti Clifton ut illa que idem Robertus habet de dono predictorum Gervasii Johannis & Marie & Robti Bingham & Elisabethe Et illa remisissent & quiete clamaverunt de se & heredibus suis predicto Robto Clifton & heredibus suis imperpetuum Et preterea idem Gervasius concessit pro se & heredibus suis quod ipsi war' p'dicto Roberto Clifton & heredibus suis p'dicta Panerium Glangium & Tenementa cum pertinenti contra p'dictum Gervasium & heredes suos ac contra predictos Johannem & Mariam & Robertum Bingham & Elisabethe & heredes suos ac contra heredes Marke Cresley Generosi defuncti Patris ipsorum Gervasii

In & Johannis de contra omnes alios clamantes  
 per predictos Cervaum Johannem & Mariam de  
 bertum Bingham & Elisabetham & Parke an  
 eorum aliquem Imperpetuum Et etiam videtur  
 Jo & Maria contulerunt pro se & heredibus suis  
 Jo quod ipsi war predictos Robertus Clifton & heredi  
 bus suis predicta Panerium Gangium & Te  
 nementa cum percolis contra predictos Johannem  
 & Mariam & heredes ipsius Johannis contra pre  
 dictos Cervaum & Robertum Bingham & Eli  
 sabetham & heredes suos de contra heredes pre  
 dicti Parke ac contra omnes alios clamantes per  
 predictos Johannem & Mariam Cervaum Rob  
 ertum Bingham & Elisabetham & Parke an  
 eorum aliquem Imperpetuum Et etiam videtur  
 Robertus Bingham & Elisabetha contulerunt pro se &  
 heredibus ipsius Roberti quod ipsi war predicta  
 Roberto Clifton & heredibus suis predicta Paneriu  
 um Gangium & Tenementa cum percolis contra  
 predicta Robertum Bingham & Elisabetham & heredes  
 ipsius Roberti Imperpetuum Et pro his  
 ec.

Capt & cognit p supra nomi  
 natum Johannem Cressley  
 vicesimo tercio die Augusti  
 Anno Regni Regis Car seci  
 quarto decimo coram nobis

R. Edge  
 T. Toplage.

Capit & cognit' p' supradictis  
 natus Gerardum Cressy  
 Robtū Bligham & Willelm  
 heriam utroq' eius uxoribus  
 quinto die Augusti Anno  
 quattodecimo supradicti rogi  
 nobis,

R. Edge.

J. Toplage.

Capit & cognit' p' supradictis  
 natus Patiam Cressy uxo  
 rem Petri Johannis Cressy  
 vicesimo secundo die Roberti  
 Anno quattodecimo supradicti  
 bitero rogam nobis,

G. Holland.

R. Edge.

A Fine with several Warranties.

North' II. **P**recipe Rogero H. Armigero  
 Agneti H. vidue Johanni H.  
 Genoso Katherine H. Josepho P. & Anne uxor  
 ius Robti W. Genoso & Elizabeth uxor eius  
 Francisce H. quod iuste, &c. teneant Jo  
 hanni C. Militi & Baronetto Conuencionem, &c.  
 de Panis de S. alias, &c. & C. cum per  
 in Ac de decem Meluagis duobus Cotagis  
 moderum Gardinis duodecim Pomariis sexcen  
 tis & quinquaginta Aeris Terre sexaginta A  
 ris pasture triginta Aeris Bosci centum Aeris  
 lampuon & Buere & Communia Pasture p  
 omnimodis agilis cum pertinentiis in S. & C.  
 illi, &c.

Et est Concordia talis scilicet quod Petrus Ro  
 gers Agnes Johannes H. Katherine Josephus

G



& Anna Robertus & Elizabetha & Francisca re-  
 cogni predicta Mania Tenementa & Commu-  
 niam Pasture cum p[re]dicto esse suis ipsius Johan-  
 nis L. ut illi que idem Johannes habet de do-  
 no predicti Rogeri Agnetis Johannis H. Ba-  
 cherine Iosephi & Anne Roberti & Elizabetha  
 & Francisce Et illi remiserunt & quiete cla-  
 maverunt de ipsis Rogero Agnete Johanne Ba-  
 cherina Iosepho & Anna Roberto Elizabetha  
 & Francisca & heredibus suis p[re]dicto Johanni  
 L. & heredibus suis imperpetuum Et preterea  
 idem Rogerus concessit p[ro] se & heredibus suis  
 quod ipsi war' p[re]dicto Johanni L. & heredibus  
 suis predicta Manerium Tenementa & Commu-  
 niam pasture cum p[re]dicto contra predicti Rogeri  
 Agnetem Johannem H. Bacherinam Iosephum  
 & Annam Robertum & Elizabetham & Fran-  
 ciscam & heredes suos Ac contra heredes Ro-  
 geri H. Armig. defuncti patris p[re]dicti Rogeri  
 Willielmi H. Armig. defuncti Abi p[re]dicti Ro-  
 geri Ac contra omnes alios clamantes p[ro] p[re]-  
 dictos Rogeri Agnetem Johannem H. Bache-  
 rinam Iosephum & Annam R. & Elizabetham  
 Franciscum Rogeri & Willielmum aut eorum  
 aliquem imperpetuum Et ultius eadem Agnes  
 concessit p[ro] se & heredibus suis quod ipsi war'  
 p[re]dicto Johanni L. & heredibus suis p[re]dicta Ma-  
 nium Tenementa & Communiam pasture cum  
 p[re]dicto contra p[re]dictam Agnetem & heredes suos  
 imperpetuum Et insuper idem Johannes H.  
 concessit p[ro] se & heredibus suis quod ipsi war'  
 p[re]dicto Johanni L. & heredibus suis p[re]dicta Ma-  
 nium Tenementa & Communiam pasture cum  
 p[re]dicto contra predicti H. & heredes suos imper-  
 petuum Et etiam eadem Bacherina concessit  
 p[ro] se & heredibus suis quod ipsi war' p[re]dicti  
 Johanni L. & heredibus suis p[re]dicti Manium  
 Tenementa & Communiam pasture cum p[re]dicto  
 contra

contra predictam Batherinam & heredes suos imperpetuum Et etiam idem Iosephus & Anna concesserunt pro se & heredibus ipsis Anne quod ipsi war' predicti Johanni L. & heredibus suis predicti Manium Tenementa & Communiam pasture cum pertinentiis contra predictos Iosephum & Annam & heredes ipsius Anne imperpetuum Et etiam idem Robtus & Elizabetha concesserunt pro se & heredibus ipsis Elizabetha quod ipsi war' predicti Johi L. & heredibus suis predicti Manium Tenementa & Communiam pasture cum pertinentiis contra predictum Robrum & Elizabetha & heredes ipsius Elizabetha imperpetuum Et etiam eadem Francisca concessit pro se & heredibus suis quod ipsi war' predicti Johanni L. & heredibus suis predicta Manium Tenementa & Communiam pasture cum pertinentiis contra predictam Francisca & heredes suos imperpetuum Et pro hac, &c.

Capit & cognit (ut supra.)

A Præcipe of several Rents.

Somerf. ff. **P**recipe T. B. Genosa quod iuste &c. teneat W. B. Generoso Conventionem, &c. de Manerio de P. S. cum pertinentiis ac de quatuor Moluagis quatuor Toleis quatuor Molendinis septem Columbas viginti Gardinis centum Acris Terre ducentis Acris Prati trescentis Acris Pasture trescentis Acris Bosci decem solidat reddit & reddit duarum li. bat Piperis & duarum librat Cumini cum pertinentiis in P. S. T. S. P. & C. Resnon Advocatione Ecclesie de P. S. Et nisi, &c.

Et est Concordia talis scilicet quod predicti T. recognovit dicta Manerium Tenementa & redditum pertinentiis ac Advocationem predictam esse suis, &c.

## Of two Acres of Pasture.

Midd. ff. **P**recipe Roberto R. Generali & Ab  
ne uxori eius quod iuste, &c. ten  
ant Thome B. Militi Conventiōem, &c. de va  
abus acris Pasture cum pertin in parochia S<sup>ti</sup>  
Leonardi Shoreditch Et nisi, &c. *audient*  
Et est Concordia talis scilicet quod P<sup>re</sup>dict<sup>us</sup> Robe  
tus & Anna recogn<sup>o</sup> P<sup>re</sup>dict<sup>us</sup> pasturam cum pertin  
esse ius, &c.

A Fine upon two Writs of Covenant from  
a Duke and his Lady, and another Per  
son, to a Marquess, of Castles, Parks and  
Tenements.

N. ff. **P**recipe G. Duci B. & M. uxori eius  
& R. G. Armigero quod iuste, &c.  
teneant W. Marchioni P. C. S. L. Conven  
tionem, &c. de Castro de R. cum pertin ad de  
parco de R. cum pertin Pecnon de decem Mes  
suagiis decem Cotagis decem Gardinis decem  
Pomarils centum Acris terre ducentis acris pra  
et crescentis acris pasture decem acris volci & vi  
ginti Acris Marisci cum pertin in R. L. & D.  
Et nisi, &c.

V. N. ff. **P**recipe eidem quod iuste, &c. te  
neant eidem Conventiōem, &c.  
de Castro de R. cum pertin ad de parco de R. cum  
pertin Pecnon de decem Mesuagiis decem Co  
tagis uno Columbar centum acris terre ducent  
tis acris praet crescentis acris pasture decem acris  
Volci & viginti acris marisci cum pertin in R. L.  
Et nisi, &c.

Et est Concordia talis scilicet quod predicti  
Dux & M. & H. recognoverunt predicta castra  
parcos & tenementa cum pertinentiis esse suis ipsius  
Marchionis ut illi que idem Marchio habet de  
domo predicti Ducis & M. & H. Et illi remisse-  
runt & quieto clamaverunt de illis Dux & M.  
& H. & heredibus suis predicti Marchioni & he-  
redibus suis imperpetuum Et preterea idem  
Dux & M. concesserunt pro se et heredibus ip-  
sius Ducis quod ipsi war predicti Marchioni &  
heredibus suis predicta castra parcos & Tenementa  
cum pertinentiis contra predictos Ducem & M.  
& heredes ipsius Ducis imperpetuum Et ult-  
us idem M. concessit pro se & heredibus suis quod  
ipsi war predicti Marchioni & heredibus suis pre-  
dicta castra parcos & Tenementa cum pertinentiis con-  
tra predicti M. & heredes suos imperpetuum Et  
per hoc, &c.

Capt & cognit de supra.

From the same Cognisors to other Cogni-  
fees, of a Manor, Tenements, Rent,  
Mines, Courts-Leet, View of Frank-  
Pledge, Estrays, Goods and Cattels of  
Felons and Fugitives, Felons de se, and  
Outlawed Persons, Deodands, Knights  
Fees, Wards, Marriages, Reliefs, Es-  
cheats, Fines, Amerciaments, Fairs, Mar-  
kets, Toll, Rights, Jurisdictions, Liber-  
ties and Privileges in eight Towns in the  
County of D.

D. H. P. Recipe G. Duci B. & M. uxori eius  
& H. C. Armigero quod fuisse, &c.  
teneant D. B. Armigero & H. C. Generoso  
G 3 Con.



Conventionem, &c. de manerio de H. cum per  
 tinet ad de ducentis mesuagiis centum cotagiis  
 ducentis gardinis ducentis pomariis tribus mille  
 acris pasture mille acris bosci decem mille acris  
 sampnozumi & biniere duabus mille acris mox  
 decem libras reddit miner cur let W. franc  
 pleg extrahur bona & catalla felonum & fugiti  
 vorum felonum de se & in exigens possit deo  
 dand seod milit ward maritag relevia escaet  
 finibus andetand nundinis mercat serias tol  
 net sur jurisdictionibus libertatibus & privile  
 giis cum pertinet in Partington alias Herring  
 ton Wigginge Heathcote Ladwale Sternedale  
 Crowderote Forlowe & Grene Et nisi, &c.

Et est Concordia talis scilicet quod predict  
 Dur & M. & R. recognov predict manerium te  
 nementa reddit miner cur let W. franc  
 pleg extrahur bona & catalla felonum & fugiti  
 vorum felonum de se & in exigens possit deo  
 dand seod milit ward maritag relevia escaet fines  
 amerciamen nundin mercat serias tolnet sur  
 jurisdictiones libertat & privileg cum pertinet esse  
 jus ipsius D. ut ill que idem D. & R. habent  
 de donis predictorum Ducis & M. & R. Et ill re  
 miserunt de se & heredibus suis predictis D. & P.  
 & heredibus ipsius D. imperpetuum Et preterea  
 idem Dur & M. concesserunt pro se & heres ip  
 sius Ducis quod ipsi war predict D. & R. & heredi  
 bus ipsius D. predict manerium tenementa reddit  
 miner cur let W. franc pleg extrahur bona &  
 catalla felonum & fugitivorum felonum de se & in  
 exigens possit deo dand seoda milit ward marita  
 gium relevia escaet fines amerciamen nundin  
 mercata serias tolnet sur jurisdictiones libertat  
 & priv

et privileg cum pectid contra predict Duce  
 & M. & heredes ipsius Ducis imperpetuum  
 Et ultius idem R. concessit pro se & heres suis  
 quod ipsi mar predict D. & R. & heredibus ipsius  
 D. predict manerium tenementa reddit minet  
 cur let W. Franc pleg extrahur bona & catal  
 la felonum fugitivorum felonum de se & in exi  
 gend possit deodand leod milit ward maritag re  
 levia elcaet fines amerciamenta nundin merta  
 ferias toluel iur iurisdictiones liberales & privi  
 leg cum pectid contra predict R. & heredes suos  
 imppetuum Et pro hac. &c.

Capl & cognit, &c.

Of several Manors, Messuages, Cottages,  
 Dove-houses, Gardens; great Quantities  
 of Land, Meadow, Pasture, Furze and  
 Heath; of Rent, Common of Pasture  
 for all manner of Cattle, Free-Fishing,  
 View of Frank-Pledge, and whatsoever be  
 longs thereunto; Mines, Quarries, Knights,  
 Fees, Wards, Marriages, Reliefs, Her  
 riots, Issues, Fines, Amerciaments and  
 Forfeitures, Goods and Chattels of Per  
 sons Outlawed, and sued to the Exigent  
 Waifs, Estrays, Goods and Chattels of  
 Traitors, Felons *de se*, Fugitives, Persons  
 condemned, and convicted, and attainted,  
 Deodands, Natives, and Villains, Fairs,  
 Markets, Toll, Stallage, Picage, Pontage,  
 Treasure found, and to be found; and of  
 all Rights, Regalities, Jurisdictions, Fran  
 chises, Liberties, Profits, Commodities, Pri  
 vileges and Emoluments whatsoever, &c.



lonum de se fugitivorum dampnat convict &  
 attinet Deodand Nativos Nativas & Villanos  
 Nundin Mercat Foras Tolnet Mallag ptag  
 pontag thesaur invent & inveniens iur  
 regalitat Jurisdictiones Franches Libertat Pro-  
 ficua Commoditat Privileg & Emolument cum  
 pertin esse ius ipsius L. ut illi que iidem L. &  
 J. habent de dono pceditorum Ducis & P. &  
 R. Et illi remiserunt & quiet claud de ipsis  
 Duce & P. & R. & heredibus suis pdict L. & J.  
 & heredibus ipsis L. imperium Et preterea  
 iidem Dux & P. concesserunt p se & heredibus  
 ipsius Ducis quod ipsi war pcedit L. & J. &  
 heredibus ipsius L. pdict Maneria Tenementa  
 Reddit Communia pasture piscar Vis franc  
 pleg miner quar feod milit war maritag re-  
 levia herit exil fines amerciamenta forisfactur  
 bona & catalla uelagat & in exigens possit wa-  
 viat exerebur bona & catalla pceditorum felonum  
 felonum de se fugitivorum dampnat convict  
 & attinet Deodand Nativos Nativas & Villanos nun-  
 din mercat foras tolmet Mallag ptag pontag  
 thesaur invent & inveniens iur regalitat iuris-  
 dictiones Franches Libertat proficua commoditat  
 privileg & Emolument cum pertin causa pro-  
 dictos ducem & P. & heredes ipsius ducis imper-  
 perium Et ultius idem R. concessit pro se & he-  
 redibus suis quod ipsi war pcedit L. & J. & here-  
 dibus ipsius L. pdicta maneria tenementa red-  
 ditum communiam pasture piscar Vis franc pleg  
 miner quar feod milit war maritag relevia  
 herit exil fines amerciamenta forisfactur bona  
 & catalla uelagat & in exigens possit waviat &  
 exerebur bona & catalla pceditorum felonum fe-  
 lonum de se fugitivorum dampnat convict & at-  
 tinet Deodand Nativos Nativas & Villanos nundin  
 mercat foras tolmet Mallag ptag pontag the-  
 saur



laur' inveniē & inveniend' iur' regalit' iuridicti-  
ones franchises libertat' proficua commoditates  
privilegiis & emolumentis cum pertind' contra  
predictum R. & heredes suos imperpetuum Et  
hac, &c.

**Capit' & cognit' (ut supra.)**

Of a Manor, Messuages, a Cottage, Gar-  
dens, Orchards, Land, Meadow, Pasture,  
Pasture for twenty Cattle, and Common  
of Pasture.

Wils' ff. **P** Recipe Abrahamo Chamberlain  
Generoso & Iuditha uxori eius  
quod iuste, &c. teneant Elizabetha King vidue  
Conventionem, &c. de manerio de C. cum per-  
tind' ac de duobus messuagiis uno Coragio tribus  
gardinis tribus pomariis ducentis & sexaginta  
acris prati quadraginta acris pasture pastura &  
viginti averlis & Communia pasture cum pertind'  
in Cheriton alias Cheriton & Cheberel Et nil  
&c.

Et est Concordia talis scilicet quod predict' Ab-  
rahamus & Iuditha recognoverunt predicta mane-  
rium tenementa pasturam et communiam pasture  
cum pertind' esse suis ipsius Elizabetha ut illi qui  
eadem Elizabetha habet de dono predict' Abra-  
mi & Iuditha Et illi remiserunt & quiete clama-  
verunt de se & heredibus suis predicta Elizabetha  
& heredibus suis imperpetuum Et preterea ibidem  
Abrahamus & Iuditha concesserunt pro se & here-  
dibus ipsius Abrahami quod ipsi mar' predict' El-  
izabetha & heredibus suis predicta manerium tenementa  
pasturam

pasturam & communiam pasture cum pertinentiis  
contra predictos Abrahamum & Juditham &  
heredes ipsius Abrahami imperpetuum. Et pro  
par, &c.

Capit & cognit, &c.

A Fine from Husband and Wife, to a Vis-  
count, of five Acres of Land (only) with  
two several Warranties, 1. By the Hus-  
band against him and his Heirs. 2. By  
the Husband and Wife against the Heirs  
of the Wife.

Hert. ff. **P** Recipe Thome King & Jane ux-  
ori ejus quod iussit, &c. teneant  
Thome Fanshaw militis Balnei (vicecomitis Dor-  
setie in Regno Hibernie) Conventionem,  
&c. de quinque accris terre cum pertinentiis in Mare  
Et nisi, &c.

Et est Concordia talis scilicet quod predicti Tho-  
mas & Jana recognoverunt predicti quinque ac-  
ras terre cum pertinentiis esse suis ipsius Thome  
Fanshaw ut illi que idem Thomas habet de dono  
predicti Thome King & Jane. Et illi remiserunt  
quiete claud de ipsis Thoma King & Jana &  
heredibus suis predicto Thome Fanshaw & here-  
dibus suis imperpetuum. Et preterea idem Tho-  
mas King concessit pro se & heredibus suis quod  
ipsi war predicto Thome Fanshaw & heredibus  
suis predicti quinque accras terre cum pertinentiis con-  
tra predicti Thomam King & heredes suos imper-  
petuum. Et ulterius idem Thomas King & Jana  
concesserunt pro se & heredibus ipsius Jane quod ipsi  
war predicto Thome Fanshaw & heredibus suis pre-  
dicti quinque accras terre cum pertinentiis contra predicti  
Thomam

Thomam Bing & Janam & heredes ipsius Jan  
impetuum Et p hac, &c.  
Capt & cognit, &c. (ut supra.)

A *Præcipe* of divers Manors, an Hundred,  
&c.

Salop<sup>r</sup> ff. **P**recipe Edwardo D<sup>no</sup> H. de C  
& Anne uxori ejus quod jura, &c.  
teneant Johanni M. Generoso & Owano M. G.  
neroso Conventione, &c. de maneriis de C. & A.  
cum p<sup>ri</sup>u<sup>m</sup> ac de Hundredo de C. cum p<sup>ri</sup>u<sup>m</sup> &c.  
non de sexdecim messuagiis viginti gardenis qu  
vringentis acris terre sexcentis acris p<sup>ar</sup>ti ducen  
tis acris pasture centum & sexaginta acris holi  
quingentis acris jamnozum & buere & sexaginta  
solidat reddit cum p<sup>ri</sup>u<sup>m</sup> in C. M. D. B. M. A.  
I. M. a M. Et nisi, &c.  
Et est Concordia talis fuit quod predicti Ed  
wardus & Anna recogit predicta Maneria hund  
rent'a & reddit cum p<sup>ri</sup>u<sup>m</sup> esse sus, &c.

A *Præcipe* of divers Manors, the Sites of  
two dissolved Monasteries, the Site of a  
dissolved Priory, of several Messuages,  
Tofts, Mills, Dove-houses and Gardens,  
great Quantities of Land, Meadow, Pa  
sture, Wood, Furze, Heath and Marsh  
Ground; of Rent, Common of Pasture,  
Free Warren, Free Fishing, Mines, Quar  
ries, Courts-Leet, Courts-Baron, View of  
Frank Pledge, Estrays, Goods and Chat  
tels of Felons and Fugitives, Felons de se,  
and of Persons sued to the Exigent, Dec  
dands, Knights Fee, Wards, Marriages,  
Reliefs, Escheats, Issues, Fines, Amercia  
ments, Natives and Villains, Fairs, Mar  
kets,

kets, Toll, Rights, Royalties Jurisdicti-  
ons, Franchises, Liberties, Profits, Com-  
modities, Privileges and Emoluments; of  
two Rectories, all manner of Tithes, &c.  
and the Advowson of a Rectory.

Lincoln' ff. **P** Recipe A. M. Gen quod fuisse,  
zc. teneant S. L. Gen & M.  
D. Gen Conbentionem, &c. de maneris de  
Eardney Southeray Tapholme Bnayth Stowe  
& Gateburton cum pertind ac Situbus Monaster-  
iorum dissolutorum de Eardney & Tapholme  
cum pertinentiis Acetiam Situ Priorat dissolut  
de Hennings alias Hevenings alias Henyngys  
alias Hevenyngys cum pertind Recnon ducentis  
& quinquaginta Petuagis triginta Tostis sep-  
tolendinis sex Columbar ducentis & quinquas-  
ginta Gardinis tribus mille & quingentis Acris  
terre sexcentis Acris prati duabus mille Acris pas-  
ture sepeingentis Acris bosci mille Acris jamp-  
nozum & bzure mille Acris marisci viginti uno  
librat sex solidat & octo denariat Reddit Commu-  
nia pasture pro omnimodis Averiis Libera Mar-  
tenna Libera Piscaria Pines Quat Cur Let  
Cur Baron Wils Franc pleg' Extrahur' Fenis  
& Catallis felonum & fugitivozum felonum de se  
in Crigend possit Deodand Feod Pillit Ward  
Paricag' Relevius Escartis Finibus Amettia-  
mentis Paribis Paribis & Willanis Rundinis  
Percatis Feriis Tolnetis Juribus Regalitati-  
bus Jurisdictionibus Franchetis Libertatibus  
Proficuis Commoditatibus Privilegiis & Emo-  
lumentis quibuscunque cum pertind in Eardney  
Southeray Tapholme Galibay Langton prope  
Horncastle Langton prope Wragby Lowth Bran-  
don Panworth Rooto Petherringham Flank-  
nep



ney Dunston Bnapth Hennings alias Haben-  
ings alias Henyngys alias Habenpyngys ac  
Furton Stowe Parten Langbierston Gateburton  
Kettlethorpe Littleborough Normantby Bians-  
by Willingham Cotes Illingham Dunsby Bro-  
wick Newton Bampton Fenton Apton Bedy-  
Kantby et Wragby ac Rectoris de Apton et Ecto-  
by cum pertinentiis Ac de omnibus et omnimodis De-  
cimis annuatim provenient' crescent' seu remota  
in Senage et Southeray Acetiam de Advocati-  
one Rectorie de Bnapth Et nisi, &c.

Et est Concordia talis scilicet quod predict' J. et  
R. recognoscunt predicta Maneria sicut Tenementa  
Reddit Communiam pasture Marcenniam Ple-  
nar' Piner' Quar' Cur' Let' Cur' Facord' et  
Franc' pleg' Extrahur' Bona & Catalla Felonum  
& Fugitivorum Felonum de se & in Exigend' pos-  
sit Deodand' Feod' Mil'it' Ward' Maritag' Relo-  
via Elcaet' Et sicut Fines Amerciament' Rationes  
Rationes & Willan' Pundin' Mercat' Ferias Tol-  
net' Jur' Regalitat' Jurisdictiones Franchises Li-  
bertates proficua Commoditates privilegia' Emu-  
lamenta Rectorias & Decimas cum pertinentiis ac Ad-  
vocationem predicta esse sua, &c.

Capit' & cognit' (ut supra.)

Of a Preceptory or Commandry of divers  
Manors, Hundreds, several Messuages, Mills,  
Gardens, great Quantities of Land, Mea-  
dow, Pasture and Wood, Free Fishing,  
Liberty of Foldage, Tithes, Advowson  
of Churches, and the Advowson of a Vi-  
caridge.

Nor.

Norf. ff. **P** Recipe W. C. Arm & F. C.  
 Gen & M. uxor ejus quod iuste,  
 et teneant J. M. Gen & R. C. Gen Conventio-  
 nem, et de Preceptorio alias Commandia de  
 Carboke cum pertin' Ac de manerio de Whin-  
 berge alias Whinbarroughe Garston alias Ga-  
 verston Westfield Cranworthe Butlers Wood-  
 rising Bentfields Skoulton Oldlands Carbooke  
 Hospital Sancti Johannis Jerusalem & Car-  
 boke Woodhall alias Latimers cum pertin'  
 Acetiam de Hundrevis de Mayland & Grim-  
 shoo cum pertin' Pecnon de viginti & sex Me-  
 suagiis duobus Molendinis viginti & sex Car-  
 dinis mille & sexaginta acris terre septentis &  
 quadraginta acris prati duabus mille & ducentis  
 acris pasture centum acris bosci libera pis-  
 car & libertate duorum Faldagiorum cum pertin'  
 in Whinberge alias Whinbarroughe Garston  
 alias Gaverston Thurton Keymerston Poron  
 alias Parham Patteshal Cranworthe Letton Ship-  
 ham Westfield Woodrising Southbergh Wing-  
 ham Skoulton Carbooke Watton Griston Cal-  
 ton Obington Sandzingham Burnham Ing-  
 worthe & Whorstead Ac de omnibus & omnimodis  
 Decimis quibuscunque annuatim provenient' cres-  
 cent' seu renovand' in Griston Castan & Car-  
 booke Pecnon de Advocationibus Ecclesiarum  
 de Whinberge alias Whinbarroughe Garston  
 alias Gaverston Westfield Cranworthe cum Let-  
 ton Skoulton Woodrising Poron alias Parham  
 Thurton Acetiam de Advocatione Vicarie Ec-  
 clesie de Carbooke Et nisi, et.

Et est Concordia talis scilicet quod predicti W.  
 F. & M. recogn' predicta Preceptorium alias Com-  
 mandiam Maneria Hundres Tenementa Pis-  
 car

car Libertat & Decimas cum pectin ac Advocaciones predict esse suis ipsius J. ut ille que idem J. & R. habent de dono predict W. J. & M. Et illi remiserunt & quiete clamaverunt de ipsa W. J. & M. & heredibus suis predict J. M. & heredibus ipsius J. imperpetuum Et preterea idem W. concessit pro se & heredibus suis quoniam ipsi war predict J. & R. & heredibus ipsius J. predicta Preceptorum alias Commandariam Maneria Hundres Tenementa Piscat Libertat & Decimas cum pectin ac Advocaciones predict contra predict W. & heredes suos imperpetuum Et ultimus idem J. & M. concesserunt pro se & heredibus ipsius J. quod ipsi war predict J. & R. & heredibus ipsius J. predicta Preceptorum alias Commandariam Maneria Hundres Tenementa Piscat Libertat & decimas cum pectin ac Advocaciones predict contra predict J. & M. & heredes ipsius J. imperpetuum Et p hac, &c.

Capit & cognit, &c. (ut supra.)

A Fine *sur Concessit* for the Term of 500 Years (without Impeachment of Waste) of the third Part of a Manor, Messuages, Gardens, Orchards, Land, Meadow, Pasture and Wood.

Ex' n. **P** Recipe Johanni Clarke Clerico & Margarete uxori eius quod iuste, & teneant Roberto Duke Conventionem, &c. de tertia parte Manerii de Over Woldham alias Over Woldham Hall alias parva Woldham cum pectin ac decem Messuagiorum duorum Cerdiorum duorum Pomariorum trescentarum & octiduum Terre viginti Accarum Prati ducentarum Accarum Pasture et triginta Accarum Bosci cum pectin in Woldham parva alias &c.

Ober Peldham Rether Peldham Scamborne  
 Tilbury iuxta Clare Tippisfield Castle Hed-  
 dingham Heddingham Sible Gellingchorpe  
 Belchampe Saynte Paule Otten Belchampe  
 Riddelwell & Belchampe William Et nisi,  
 &c.

Et est Concordia talis scilicet quod predicti Jo-  
 hannes & Margareta concesserunt predicto Rob-  
 to predictam certam partem cum pertinentiis habendam &  
 tenendam eidem Roberto a Festo Purificationis Sancti  
 Johis Baptiste usque predictam usque finem terminum  
 quingentorum annorum ex tunc prior sequens &  
 plenarie complens absque impetitione alicujus va-  
 sti reddens inde annuatim predicti Johi & Mar-  
 garete & heredibus ipsius Margarete unum granum  
 piperis ad Festum Natalis Domini annuatim sol-  
 vendum toto termino predicto si petatur Et predicti  
 Johes & Margareta & heredes ipsius Margarete  
 mar predicto Roberto predictam terram predictam sicut  
 predictum est contra predictum Johem & Margareta & he-  
 res ipsius Margarete toto termino predictum Et pro  
 hac, &c. Capitulum & cognovit, &c. ut supra.

A Præcipe of a Messuage, Dove-house, Gar-  
 dens, Land, Meadow, Pasture and Wood,  
 of two Parts of a Manor, and 150 Acres  
 of Land, 40 Acres of Meadow, and 200  
 Acres of Pasture, Common of Pasture  
 for all manner of Cattle, two Parts of a  
 Rectory, and the Tithes of Corn, Hay,  
 Wool and Lamb, and all other Tithes  
 whatsoever.

Ebor' ff. **P** Ræcipe Henrico Ball Armigero &  
 Riko Darley Gen quod, iuste, &c.  
 teneant Willielmo Thorne-ton Armigero & Tho-  
 me Alured Gen Conventionem, &c. de uno Me-  
 sagio uno Columbar duobus Gardinis ducentis  
 H & sep-



& septuaginta acris terre octoginta & sex acris  
 prati centum triginta & sex acris pasture & qua-  
 draginta acris bosci ac de duabus partibus maneri  
 de Bishop Wilton cum pertinentiis ac centum & quinquaginta  
 accrarum terre quadraginta accrarum prati  
 & ducentarum accrarum pasture ac etiam com-  
 munitia pasture pro omnibus Aberis cum pre-  
 tium in Bishop Wilton & Gelsal necnon duabus  
 partibus rectorie de Bishop Wilton cum pertinentiis  
 ac omnium & omnimodis decimarum garbarum Fe-  
 ni Lane ac Agnellorum ac omnium aliarum deci-  
 marum quarumcunque annuatim crescent renouantur  
 & contingent in Bishop Wilton & Gelsal Et ita  
 &c.

Et est Concordia talis scilicet quod predicti Hen-  
 ricus & Richardus recognoverunt predicta Tenementa  
 partes & Communiam pasture cum pertinentiis  
 esse sua, &c.

A *Præcipe* where the Sheriff of the County is  
 Cognizee, and therefore the Writ of Co-  
 venant is directed to the Coroners.

Buck. ff. **P**ræcipe Darby Dord Generoso  
 Sare uxori eius quod iuste, &c. te-  
 neant Roberto Gayer Militi Balnei Willelmi Comitis  
 Buck. Conventionem, &c. de uno meluagio unius  
 garbino uno pomario octo acris terre duabus acris  
 prati & communia pasture cum pertinentiis in  
 Poges Et ita, &c. Nota quod Willelmus de  
 directi Coronatoribus fuit a Willelmo Michaili  
 Teste octavo die Octobris Anno Regni nostri  
 (Et tunc post teste hec clausula inferitur) Quia  
 Robertus est modo Willelmi Comitis pater Ideo cum Execu-  
 cione istius Brevis aliquantulum se non intromittat  
 sed fiat Executio ejusdem per Coronatores super  
 dictos.

Et est Concordia talis scilicet quod predicti War-  
by & Sara recognoverunt predicti Tenementa &  
communiam pasture cum p[re]dicto esse J[ur]is ipsius  
Rob[ert]i ut illi, &c.

From a Duke and his Lady, and a third  
Person, to a Duke and another Cognisee,  
of an Honour, several Manors and Parks;  
divers Messuages, Tofts, Water-Mills,  
Dove-houses, Gardens, great Quantities  
of Land, Meadow, Pasture, Wood, Furze  
and Heath, Rent, Free-Warren, View  
of Frank-Pledge, and whatsoever doth  
thereunto belong: Waifs, Estrays, Deo-  
dands, Goods and Chattels of Felons, Fu-  
gitives, Felons *de se*, Persons outlawed,  
Return of all Writs whatsoever, and of  
all and all manner of Liberties and Fran-  
chises.

Essex. ff. **P**recipe G. Duci B. & M. ut resus  
& R. C. Armigero quod iuste, &c.  
curant G. Duci A. & M. L. Armigero Con-  
suetudinem, &c. de Honore de Wewlew alias  
Scholiers cum pertinentiis de maneriis de Wew-  
lew alias Wewlew alias New-Hall Old-Hall  
Bokehams Wakelare-Hall alias Walsford-Hall  
Welford-Hall cum pertinentiis Acetiam de tribus  
acris cum p[re]dicta Persona de triginta messuagiis  
quindectim cotis tribus molendinis aquaticis duode-  
cim columbar triginta gardinis millo & quingen-  
tis acris terre quadringent acris prati tribus mille  
& quingentis acris pastur septingentis acris bosci  
mille acris sumporum & hyere viginti libras ren-  
dit libera warrena *vis Franc pleg'* & quicquid ad  
*vis Franc pleg'* pertinet Bonis & Catallis dabitur  
H 2 Extrahur

Extrahur Deodand Bonis & Catallis Felonum  
& Fugitivorum Felonum de se Mlagatorum  
& in Exigens possit Retorn omnium Brebium  
quorumcunque Ac de omnibus & omnimodis Li-  
bertat & Franchis cum pccin in Bozeham  
Springfield Parfield Peberel Bromfield parva  
Waltham magna Leighes parva Baddowe mag-  
na Baddowe & Tarlinge Et nisi, &c.

Et est Concordia talis scit quod predict Dux  
B. & M. & R. recognoverunt predict honorem  
Maneria Parcos Tenementa reddis Waren-  
nam Wils Franc Pleg Bona & Catalla Ma-  
bia Extrahur Deodand Bona & Catalla Fe-  
lonum & Fugitivorum Felonum de se Mlagato-  
rum & in Exigens possit Retorna Brebium  
Libertat & Franchis cum pccinen esse ius ip-  
sus ducis A. ut ill que eidem Dux A. & M.  
habent de dono predict Ducis B. & M. & R.  
Et ill remiserunt & quiete clamaverunt de  
ipsis Duce B. & M. & R. & heres suis pred Duci  
A. & M. & heres ipsius Ducis A. imperpetuum  
Et pccerea eidem Dux B. & M. concesserunt pro  
se & heredibus Ducis B. quod ipsi war predict  
Duci A. & M. & heredibus ipsius Ducis A. pre-  
dict honorem Maneria Parcos Tenementa red-  
dis Warennam Wils Franc pleg Bona & Catalla  
Mabia Extrahur Deodand Bona & Catalla  
Felonum & Fugitivorum Felonum de se Mlagato-  
rum & in Exigens possit Retorna Brebium Li-  
bertat ac Franchis cum pccinen contra pro-  
dict Ducem B. & M. & heredibus ipsius Ducis B.  
imperpetuum Et ulterius idem R. concessit pro se &  
heredibus suis quod ipsi war predict Duci A. & M.  
heredibus ipsius Ducis A. pred honorem Maneria  
Parcos tenementa reddis warennam Wils Franc

pleg bona & catalla maneat extrahur deodand  
bona & catalla felonum & fugitivorum felonum  
de se utlagatorum & in exigens possit retroa hze-  
bium libertat & franchises cum pertind contra  
predict R. & heredes suos imperpetuum Et pro  
hoc, &c.

Capit & cognit decimo nono  
die Novembis Anno  
Regni Regis Caroli se-  
cundi quincodecimo co-  
ram me

Orl. Bridgman.

*Præcipe of Moieties, Parts, &c. amongst  
intire Parcels, and by themselves.*

*Of the Moiety of a Manor (amongst other  
Things)*

Dorset ff. **P**recipe Thome Trenchard Ar-  
migeri quod iuste, &c. teneat  
Roberto Rapper Armigeri Nathanieli Browne  
Armigeri & Willo Guavas generoso cond, &c.  
de maneriis de Willfeld Woolbeton Burton  
parba Childockford Licheat Patraboys Beere  
Licheat alias South Licheat alias Rether Licheat  
alias Licheat Pinster Beere Sleape & Cock-  
amoze alias Licheat Pinster Witherton & Ham-  
moyn alias Hammoone cum pertind Ac de duos  
decim mesuagiis quadraginta acris terre trescen-  
tis acris prati quingentis pasture & ducenis acris  
holci cum ptind in Licheat Patraboys Licheat  
Pinster Beere Sleape Cockamoze Whitewell  
Stour Pinster Foddington & Dorchester necnon  
de



de rectoria de Chibdockford cum pertinentiis Alceiam  
de Medietate Manerii de Southborough cum pertinentiis  
Et nisi, &c.

Et est Concordia talis scilicet quod predicti Tho-  
mas recognovit predicta maneria tenementa rectoria  
& medietatem cum pertinentiis esse suis, &c.

Of the Moiety of a Manor, 20 Acres of  
Meadow, and 20 Acres of Pasture, and  
of a Rectory, and all manner of Tithes  
(amongst other Things.)

Leic' ff. **P** Recipe Thome Smith Barones  
& Abigal uxor eius quod iuste,  
&c. teneant Willmo Hicks Baronetto & Johani  
ni Porris Generoso Conventione, &c. de duobus  
mesuagiis quinque cotagiis quinque gardinis  
quinque pomariis sexaginta acris terre triginta  
acris prati & quadringentis & quinquaginta acris  
pasture ac de medietate manerii de Sisonby cum  
pertinentiis Pecorum viginti arcarum pasture cum per-  
tinentiis in Sisonby acertiam rectorie de Sisonby cum  
pertinentiis ac omnium & omnimodis decimarum quicun-  
cumque annuatim provenientium crescentium seu in-  
novand in Sisonby Et nisi, &c.

Et est Concordia talis scilicet quod predicti Tho-  
mas & Abigail recognoverunt predicta tenementa  
& medietatem cum pertinentiis esse suis, &c.

Of four Moieties; the first being of a Manor, certain Messuages, Tofts, Mills, Dove-Houses, Gardens divers Quantities of Land, Meadow, Pasture, Wood, Furze and Heath, fresh Marsh, salt Marsh, a Wharf, two Passages or Ferries over the River Thames, and of 100 s. Rent; the 2d of a Prebend and Rectory; the 3d of the Moiety of the Tithes of Corn, Grain and Hay; the 4th of the Moiety of the Advowson of the Vicaridge of the Church of W. T.

Essex' ff. **P**recipe Petro Heyman Baronet quod iuste, &c. teneat Johi Morris Generosa Conventionem, &c. de medietate manerit de West Thurrock alias West Hall alias Vineyard cum pertinentiis ac viginti & septem messuagiorum quatuordecim colutorum duorum molendinorum duorum columbarum triginta & quinque gardinorum septingentarum & decem acrarum terre centum acrarum prati trescentarum acrarum pasture centum viginti & trium acrarum bosci sexaginta acrarum sumpnorum & hueret trescentarum & sexaginta acrarum marisci frisci quindecim acrarum marisci salis unius wharf duorum passagiorum sive feriarum super aquam Thamis & centum solidat. Repetit cum pertinentiis in West Thurrock Dodinghurst Harmpys Osed Brifford Grace alias Grays Aulsepe alias Audly Purfett Corvis & Thorrock Necnon de medietate prebende & rectorie de West Thurrock cum pertinentiis acellam de medietate decimarum granorum garbarum & feni annuatim proveniend. resced. seu renovand. in West Thurrock Ac de medietate advocaciones vicarie ecclesie de West Thurrock Et nisi, &c.

Et est Concordia talis scilicet quod predictus Petrus  
recognoscit predictas medietates cum pertinentiis esse suas,  
et.

Of the Moiety of several Messuages, a  
Dove-house, Gardens, Orchards, certain  
Quantities of Land, Meadow, Pasture,  
Wood, Furze and Heath; and of the  
Moiety of a Moiety of a Manor (*inter  
alia.*)

Leic' ff. **P**recipe Richarδο Wilson generoso  
quod iuste, et. teneat Thome  
Wilson con, et. de medietate duorum gardenorum  
duorum pomariorum viginti acrarum terre cen-  
tum et viginti acrarum prati quadringentarum  
acrarum pasture quindecim acrarum bosci et ser-  
aginta acrarum sampnorum et buere cum pertinentiis in  
Keythorpe Tugby alias Lokeby et Goadby et  
de medietate medietatis manerii de Keythorpe  
cum pertinentiis Pecnon de omnibus et omnimodis  
decimis quibuscumque annuatim provenientem crescentem  
seu renovandam in Keythorpe Tugby alias Loke-  
by et Goadby Et nisi, et.

Et est Concordia talis scilicet quod predictus Ricardus  
recognoscit predictas medietates et decimas cum  
pertinentiis esse suas, et.

*Upon two Writs of Covenant.*

Of divers Messuages, a Barn, Gardens, and  
Orchard and three Acres of Pasture;  
and of the third Part of several Messua-  
ges Gardens, and Acres of Pasture in the  
County of *Middlesex*; and

Of

Of the third Part of several Manors, Messuages, Barns, Tofts, a Dove-house, Gardens, Orchards, Acres of Land, Meadow, Pasture, Wood, Furze and Heath, Moor; of Rent and Common of Pasture for all Cattle in the County of *Warwick*.

Midd. ff. **P** Recipe Edwardo Fullock Armig & Elizabethæ uxorij ejus qd fuisse, &c. teneant Georgio Milde Armig & Francisco Bermpe Armigero conventionem, &c. de duobus mesuagijs uno horreo duobus gardinis uno pomatio & tribus accis pasture Ac de tertia parte septem mesuagiorum duorum gardinorum & viginti & quinque accarum pasture cum pñd in Enfield & parochiis Sancti Jacobi Clerkenwel Stepney alias Heebundheath Hackney Scti Clementis Dacorum & Scti Leonardi Shoreditch Et nisi, &c.

Warr. ff. **P** Recipe eisdem qd fuisse, &c. teneant eisdem conventionem, &c. de tertia parte maneriorum de Whicnash & Wlnat alias Wllon Hall alias Wlne Hall cum pñd ac quinque mesuagijs quatuor horreorū duorum toftorum unius columbar septem gardinorū quinque pomarū ducentarū quadraginta & sex accarum terre octoginta & trium accarum prati ducentarum & viginti accarum pasture triginta accarum bosci undecim accarum sampnozū & huerē quatuor acratum moze octoginta & quatuor Solid & novem denar reddit Ac de communia pasture pro omnibus averijs cum pñd in Whicnash Wlnat alias Wllon Hall alias Wlne Hall & Wotton alias Walkens Wotton Et nisi, &c.

Et



Et est concordia talis scilicet quod predictus Edwardus & Elizabetha recognoverunt predictam tenementam certas partes & communiam pasture cum predicto esse suis, &c.

Of the fourth Part of a fifth Part of a Messuage in London.

London ff. **P**recipe Henrico Alexander armig (comiti Sterline in Regni Dni Regis Scotie) Roberto Croke Militi & Johanne uxori ejus & Henrico Zinzan alias Alexander Ar & Jacobo uxori ejus quod iuste, &c. teneant Jacob Lucie conventionem, &c. de quibus parte unius quinte partis unius messuagii & unius gardini cum predicto in parochia Sancte Bartholome Coleman-Street Et nisi, &c.

Et est Concordia talis scilicet quod predictus Henricus Robertus & Juliana & Henricus & Jacobus recognoverunt predictam quartam partem cum predicto esse suis, &c.

Of a Manor, Messuages, Gardens, Orchards, Land, Meadow, Pasture, Furze, Heath, and Alder; of the third Part of a Manor, Messuages, Gardens, Orchards, Lands, Meadow, Pasture, Furze and Heath; and of the Moiety of the Sites of a Manor, Messuage, Garden, Orchard, Land, Meadow, Pasture and Wood.

Norf. ff. **P**recipe Thome Rugg generoso quod iuste, &c. teneat Roberto Cleyton generoso & Georgio Lulls generoso conventionem, &c. de manerio de Northreps cum predicto ac de quinque messuagiis quinque gardinis quinque pomariis crescentis

rescentis acris terre septuaginta acris prati du-  
centis acris pastur quadringentis acris sampnos-  
um & hueri & decem acris alneti cum p̄tin in  
Bozheps Cromer Sydesthorpe Driffrunt Fels-  
ingham Tumstowe Flockthorpe alias Har-  
tingham cum p̄tin Pecnon de tribus partibus  
manerit de Flockthorpe alias Hardingham cum  
p̄tin ac duorum mesuagiorum duorum gardinorum  
duorum pomariorum ducentarum acrarum terre  
viginti acrarum prati centum acrarum pasture &  
ducentarum acrarum sampnos & hueri cum p̄tin  
in Hardingham Keymerston Hingha Hingha  
Barrow & Kimberley acetiam de medietate Si-  
mus manerit de Keymerston alias Cabely Hals a-  
lias Calvelry Wards cum p̄tin ac unius gardini  
unius pomarii sexaginta acris terre decem acris  
prati triginta acris pasture & quadraginta acraz  
bosci cum p̄tin in Keymerston Et nisi, &c.

Et est Concordia talis scilicet quod predicti  
Thomas recognovit predicti manerium tenemen-  
ta tres partes & medietatem cum pertinentiis esse  
suis, &c.

A Fine sur Concessit, of the Moiety of a  
Manor, Messuages, Gardens, a Mill,  
Land, Meadow, Pasture, Wood, Furze  
and Heath; and of Common of Pasture  
and Fishing.

Ebor. A. **P**recipe Thome Howard Armiger  
& Marie Ducille Dotille Rich-  
mond & Lenox urozi ejus quod fuisse, &c. tene-  
ant Willielmo Jones Armigero conventionem,  
&c. de medietate manerit de Serrington cum  
p̄tin ac quinquaginta mesuagiorum quadraginta

otto gardinozum unius molendini sex mille acra-  
rum terre ducentarum acrar' p'ati octingentarum  
acrar' pasture sercentiarum acrar' bolci septingentar'  
acrar' sampnozum & byuere Ac de communia pas-  
ture pro omnimodis averiis & libera piscaria cum p-  
tinen in Derrington Hoaglichorpe Rozton Bar-  
went & Sutton Et nisi, &c.

Et est Concordia talis scilicet quod p'res Thomas  
& Maria concesserunt p'efato Willo p'edias  
medietat' communia pasture & piscar' cum p'ind  
habend' & tenend' eidem Willo a Festo Sancti  
Michaelis Archangeli ult' p'eterit' usque finem  
termini quingentozum annozum extunc p'ox' sequend'  
& plenar' complend' (si p'edict' Maria tam diu vixe-  
rit) reddend' inde annuatim p'edict' Thome &  
Marie unum granum piperis ad Festum Sancti  
Michaelis Archangeli annuatim solvend' toto termi-  
no p'dict' (si p'dict' Maria tam diu vixerit) si p'eta-  
tur Et p'dict' Thom' & heres sui war' p'dict' Wil-  
lo p'dict' medietat' communia pasture & piscar'  
cum p'ind sicut p'dict' est contra p'dict' Thomam &  
heres' suos toto termino p'dict' (si p'dict' Maria tam  
diu vixerit) Et p'dict' Thomas & Maria & heres  
ipsius Marie war' p'dict' Willo p'dict' medietat'  
communiam pasture & piscar' cum p'ind sicut p'dict'  
est contra p'dict' Thomam & Mariam & heredes ipso-  
rum Marie toto termino p'dict' (si p'dict' Maria tam  
diu vixerit) Et pro hac, &c.

Capit' & cognit' xix die Octobris  
Anno Regni Regis Caroli  
secundi decimo nono coram

Orl. Bridgman.

Of certain Messuages, Gardens, Orchards,  
Land, Meadow, Pasture and Wood; of  
the Moiety of a Manor, 300 Acres of  
Furze and Heath, and 6*l.* 13*s.* 4*d.* Rent;  
and of Common of Pasture for all Cattle.

Essex. ff. **P**recipe Johanni Abby Militi &  
Baronet Johani Chapman Gen  
& Robto Abbot Gen qd iuste, &c. ten Eliab  
Harvey Militi & Johani Prestwood conventio-  
nem, &c. de tribus messuagiis tribus gardinis  
quatuor pomariis quadraginta acris terre triginta  
acris prati centum acris pasture & quinque acris  
holci ac de medietate manerii de Baringtons alias  
Barington cum pertinentiis & trescentarum acrarum  
camporum & huerie & sex libras tresdecim solidas  
& quatuor denarias redditus. Petron de communia  
pasture pro omnibus averiis cum pertinentiis in  
Chigwell Woodford Loughdon alias Lowton &  
Foresta de Waltham Sancte Crucis Et nisi. &c.

Et est Concordia talis scilicet quod predicti Ro-  
bertus Johannes Chapman & Robertus recogno-  
verunt predicta tenementa medietat & communi-  
am pasture cum pertinentiis esse sua ipsius Eliab ut  
illa que eidem Eliab & Johannes Prestwood ha-  
bent de dono pd Robti Johnis Chapman & Robti.

Of the third Part of several Messuages,  
certain Land, Meadow, Pasture and  
Wood.

Suff. ff. **P**recipe Jemunah Waldegrave quod  
iuste, &c. teneat Waldegrave  
Pelham Armigero & Willielmo Epac Gene-  
roso



roso Conventionem, &c. de tertia parte trium  
meluagiorum centum & quinque acrarum terre de  
githel & nobem acrarum prati octoginta & octo acra-  
rum pasture & sex acrarum bolci cum pertinentiis in  
Bures Sre Marie Cozmarth magna & Cozmarth  
parva Et nisi, &c.

Et est concordia talis scilicet quod predicti Zemu-  
nah recognovit predictam tertiam partem tunc  
pertinentis esse suis ipsius Malogrove, &c.

Of the Moiety of a Manor, and the Mole-  
ty of an Advowson of a Church (inter  
alia.)

Ebor. ff. **P**recipe Balano Cockayne Wiccom-  
iti Cullen in Regno Hibernie & Elizabethæ uxori ejus & Georgio Blunt Arm  
Marie (Wiccomitisse Dorille Cullen in Regno  
Hibernie) uxori ejus qd iussit, &c. teneant Ca-  
rolo Pawler Domino St. John de Basing & Jo-  
hanni Porton Baronetto conventionem, &c. de  
otto meluagis uno molendino octo gardinis ap-  
pomartis quingentis acris terre ducentis acris pa-  
ti quingentis acris pasture triginta acris bolci octa-  
gentis acris jampnozum & hyuere viginti solidi  
redditi communia pasture & libera warrenia cum  
pertinens in Hanging Grimston Uncleby Sreter-  
dale alias Thirteendale & Kirby Underdale ac de  
omnibus & omnimodis decimis quibuscunque an-  
nuatim provenient crescent seu renobant in Hang-  
ing Grimston Uncleby Sixteendale alias Thir-  
teendale & Kirby Underdale Pecnon de medietate  
manerii de Hanging Grimston cum pertinentiis acce-  
sam de medietate advocacionis ecclesie de Kirby  
Underdale Et nisi, &c.

Et est concordia talis scilicet quod predicti **Episcopus** & **Elizabethe** & **Georgius** & **Maria** recognov-  
erunt predicta tenementa communiam pasture warren-  
nam decimarum ac medietates cum pertinentiis esse suos,  
&c.

Of certain Messuages, Cottages, a Dovehouse,  
Gardens, Orchards, Land, Meadow, Pa-  
sture, Wood, fresh Marsh, salt Marsh, a  
Wharf, and two Passages over the *Thames*;  
of the Moiety of a Manor, 100 s. Rent,  
and of an Advowson.

Essex. ff. **P** Recipe **P. D.** Baronetto **J. P.**  
**Arnold** & **R. C. Arnold** quod iuste,  
&c. teneant **J. W. Gen** & **T. B. Gen** condemp-  
nationem, &c. de decem messuagiis octo Cotagis  
uno Columbarum decem gardenis decem pomariis  
rescens & septuaginta acris terre triginta &  
quinque acris prati triginta acris pasture octoginta  
acris bosci ducentis acris marisci frisci decem  
acris marisci salis una wharfa & duobus passagiis  
ultra aquam *Thamis* cum pertinentiis in **M. T. D.**  
**P. D. S. G. A. P. G. & A.** Ac de medietate  
manerii de **M. T.** alias, &c. cum pertinentiis **Rec-**  
ton centum solidorum redditus cum pertinentiis aceriam ad-  
vocationis ecclesie de **M. T.** Et nisi.

Et est concordia talis scilicet quod predicti **P. J.**  
**P. & R.** recognoverunt predicta tenementa whar-  
fam passagia & medietatem cum pertinentiis ac medietatem  
advocationis predictae esse suos, &c.

Upon

*Upon two Writs of Covenant.*

- (1.) Of the Moiety of a Manor, the Moiety of an Hundred, and of several Messuages, Cottages, certain Land, Meadow, Pasture, Wood, Furze and Heath, Moor, Marsh, and 100 s. Rent; of the Moiety of Common of Pasture for all Manner of Cattle, and of the Moiety of View of Frank-Pledge, Goods and Chattels, of Felons and Fugitives, Felons *de se*, Deodands, Waifs, Liberties and Privileges in the County of *Wilts*.
- (2.) Of the Moiety of certain Messuages, Gardens, Land, Meadow and Pasture, in the County of *Somerset*.

Wilts ff.

**P** Recipe Roberto Danvers alias Williers Arm & Elizabeth uxori ejus quod iuste, &c. teneant Willielmum Millet Gen Conventionem, &c. de medietate manerii de Westbury Arund Westbury Brook Newbitts Leigh Priors Westbury Levelegg Bembidge Hawkeridge Heywood Leigh & Deawell cum pertinentiis Ac de medietate hundredi de Westbury cum pertinentiis Decem centum Messuagiorum centum & sexaginta Cotagiorum duarum mille acrarum terre quadringenta acrarum bosci mille acrarum jampnoy & huere sercenta acrarum waze sercenta acrarum Parisci & cent solidat reddit annuatim medietate communie pasture pro omnimoda averiis Ac de medietate Wis Franc pleg bonorum & catallozorum felonum & fugitivorum felonum & se Deodand & Liberta & Privileg cum pertinentiis in Hawkeridge Heywood Bratton Newbitts Stoke Brooke Penley Leigh Bembidge

Leigh Brembridge Le Parsh Wilton Chapman-  
nade Westbury Imber Edington North Bradley  
Steeple Ashton Sondley Trowbridge & Brad-  
ford Et nisi, &c.

Somerf. ff. **P** Recipe eisdem quod iuste, &c.  
teneant eidem Conventionem,  
&c. de medietate octo mesuagiorum octo gardino-  
rum centum acrarum terre quadraginta acrarum prati  
& sexaginta acrarum pasture cum pertinentiis in Weckington  
Hudge Sandertweek & Werkly Et nisi, &c.

Et est Concordia talis scilicet quod predicti  
Robertus & Elizabetha recognoverunt predictas medietates  
& Communiam pasture cum pertinentiis esse suas,  
&c.

Of several Messuages, Gardens, Orchards,  
Acres of Land, Wood and Marsh-ground.  
Of the Moiety of several Messuages, Gar-  
dens, Orchards, Acres of fresh and salt  
Marsh; of the third Part of certain Acres  
of Marsh-ground in B. &c. of the Rectory  
of B. and of all and all manner of Tithes,  
Oblations, Obventions and Portions, year-  
ly coming, growing or renewing in B. &c.  
As also of the Advowson of the Vicaridge  
of the Church of B.

Kanc. ff. **P** Recipe Georgio Pooze Baroni &  
Francisce uxori ejus quod iuste,  
&c. teneant J. P. Arnd & T. W. Geni Con-  
ventionem, &c. de duobus mesuagiis duobus  
gardinis duobus pomariis centum acris terre  
quindecim acris bosci & centum acris marisci Ac  
de medietate trium mesuagiorum trium gardino-  
rum trium pomariorum quadringentarum & qua-  
dringenta acrarum marisci frisci & quadringentarum  
& quinquaginta acrarum maris salis Pecnon de tertia  
I parte



parce trescentarum & quinque acrarū maritū cum  
pūm in parochia Sancti Johā Bapti Brehing-  
ton pūmster Bobbing pūmton Cheacup & pūm  
Acetiam de Rectoria de Bobbing cum pūm pūm  
omnibus & omnimodis Decimis Oblationibus  
Obventionibus & Portionibus annuatim pūm  
eū crescē seu renovā in Bobbing & pūmton  
pūmton de Advocatione Vicarie Ecclesie de Bob-  
bing Et nisi &c.

Et est Concordia talis scilicet quod pūmton Geo-  
rgius & Francisca recogit pūmtona Tenementa  
Medietatem tertiam partem Rectorie Decimas  
Oblationes Obventiones & Portiones cum pūm  
ac Advocationem pūmton esse jus, &c.

Of severall Manors, Messuages, Tofts, a Wind-  
mill, Gardens, Acres of Land, Meadow,  
Pasture, Wood, Furze and Heath, fresh  
Marsh, salt Marsh, Rent, Common of Pa-  
sture, free Fishing, Liberty of Foldage,  
free Warren, and View of Frank-Pledge.  
Of the Moiety of divers Manors, Messu-  
ages, Acres of Land, Meadow, Pasture,  
Wood, Furze and Heath, salt Marsh, and  
a Fold-course, with the Advowson of se-  
veral Churches and a Chapel.

Norf. ff. **P** Recipe Christophoro Sparke Gen-  
t qd iuste, &c. teneat Radō pūm-  
man Gen Conventionem, &c. de Paneris de  
Acle Aldby alias Aldby Hatt Burrough Sancti  
Pargereete Cockthorpe Blackney alias Snitterby  
Howel Hall alias Asteys & Wilbeton Staflon  
alias Wilbeton Ducis cum pūmton ac tresdecim  
messuagis quatuor tofts uno molendino ventricio  
novem Gardinis mille & triginta acr terre tenū  
& triginta acris prati ducentis & sexaginta acris

pasture nonaginta acris bosci quingentis & quin-  
 quaginta acris sampnozum & byuere noningentis  
 & quinquaginta acris marisci scilicet mille acr ma-  
 risci falsi sexdecim librat reddit Communia pastu-  
 re libera piscaria libertate trium saldagorum libe-  
 ra warenna & Vis Franc pleg cum pñd in  
 Acle Wpton Fithly Woyton Wurlington Aldby  
 Lost Monk Haddistoe Haddistoe Thorpe Whica-  
 tre Wurtough Rantingham Thurlton Whindel  
 Whinston Kerby Burgo Sande Margarete Bur-  
 go Sande Parte Billockby Chippesby Dby  
 Maybridge Rollesby Marcham Cockchope Duff-  
 key Langham Pozston Blackney alias Sniterly  
 Warham Binham Wiveton Glanford & Cley  
 Pecnon de medietate manerizum de Retherhall  
 & Stowes cum pñd ac trium mesuagiorum ducen-  
 tarum acrarum terre quadraginta acrarum pastu-  
 re decem acrarum bosci octoginta acrarum samp-  
 nozum & byuere trescentarum acrar marisci & uni-  
 us saldagii cum pñd in Thorpe Stiffkey Lang-  
 ham Pozston Blackney alias Sniterly Warham  
 Binham Wiveton Glanford & Cley Acetiam de  
 Advocationibus Ecclesiarum de Acle Thorpe surta  
 Haddistoe Cockchope Sniterly Blackney & Ca-  
 pelle de Glanford Et nisi, &c.

Et est Concordia talis scilicet qd Pñdus Chris-  
 toporus recognovit maneria tenementa reddit  
 Communiam pasture piscat libertat warennam  
 Vis Franc pleg & medietat cum pñd ac Advo-  
 cationes Pñdas esse jus, &c.

## Of Lands in the Isle of Ely.

Cantabr. ff. **P**recipe Thome Davys & Elizabeth uxori ejus Pounsozd Malis & Anne uxori ejus & Willo Astel quod iuste, &c. teneant Johanni Colville Gen & Thome Browne Gen Conventionem, &c. de uno mesuagio uno Cotagio uno gardino uno pomario triginta acris terre decem acris ppari triginta acris pasture viginti acris marisci & communia pasture p omnibus Averis cum ptiid in Insula Client Et nisi, &c.

Et est Concordia talis scilicet quod predicti Thomas Davys & Elizabetha Pounsozd & Anna & Willielmus recognoverunt p predicta tenementa & communiam pasture cum pectiud esse suis, &c.

Capit & cognit 4 die Febr  
Anno decimo septimo  
Caroli Regis scbi cor  
ram nobis

George Rayson.  
Jo. Turbill.  
Charles Baxter.

Wirtute Des Potest  
Cur Cancellarie  
manand Teste 24  
Jan Anno 16

A Fine levied in the County Palatine of  
Lancaster.

Lanc. ff. **H**ec est finalis Concordia facta in Curia Domini Regis apud Lancast die Martis in quarta septimana quinquagesimo Anno Regni Domini nostri Caroli secundi Dei Gratia Anglie Scotie Francie & Hibernie Regis Fidei Defensoris, &c. quintodecimo

mo coram J. C. Milite & A. C. uno Serbient  
dicti Domini Regis ad Legem Justic ejusdem  
Domini Regis apud Lancaster a aliis dicti  
Domini Regis fidelibus tunc ibi presentibus  
int L. H. S. S. & M. L. quer & J. M. &  
W. B. deforc de Panerils de B. & S. cum  
ptin ac duobus Mesuagiis tribus Cotagiis, &c.  
cum pertin Unde placitum Conventionis sum  
fuit inde inter eos scilicet quod predicti J. & W.  
recogn predicta maneria & tementa cum pertin  
esse sus, &c.

A Fine of three Messuages, (acknowledged  
by the Word *Mesuagia* in the Concord.)

London' ff. **P**recipe Benjamin' Stone Gen  
& Margarete uxori ejus quod  
juste, &c. teneant Willielmo Simpson Gen  
& Iosepho White Gen Conventionem, &c. de tri-  
bus Mesuagiis cum pertin in parochia St. Ws-  
gette als St. Bride Et nisi, &c.

Et est Concordia talis scilicet quod predicti  
Benjamin & Margareta recognoverunt pre-  
dicta mesuagia cum pertinen esse sus ipsius  
Willielmi ut ill' que iidem Willielmus &  
Iosephus habent de dono predicti Benjamin' &  
Margarete Et ill' remiserunt & quiete clamabe-  
runt de ipsis Benjamin' & Margareta & here-  
dibus ipsius Margarete predictis Will'o & Iose-  
pho & heredibus ipsius Willielmi imperpetuum  
Et preterea iidem Benjamin & Margareta  
concesserunt pro se & heredibus ipsius Margarete  
quod ipsi war pdictis Willielmo & Iosepho & he-  
redibus ipsius Willielmi po' Mesuagia cum ptin  
contra pdictos Benjamin' & Margaretam & here-



des ipsius Margarete imperpetuum Et pro hac,  
 &c.

Capit & cognit vicesimo  
 tertio die Julii Anno  
 Regni Regis Caroli  
 secundi quintodecimo  
 coram me

Tho. Tyrrel,

Uno Justic de Cord  
 Banco per Medim?  
 Potestatem Teste  
 20 die Junii Anno  
 15 supradicto.

A Fine upon two Writs of Covenant of ele-  
 ven Cottages in *London*, and one Messuage  
 in the County of *Middlesex*, (acknowledg'd  
 by the Word *Tenementa* in the Concord.)

*London'* ff. **P** Recipe Radus Freeman Willm  
 & Margarete urozi ejus quod  
 iuste, &c. ten Carolus Baxter Generoso Con-  
 ven, &c. de undecim Cotagiis cum pertin in  
 Parochia Sancti Stephani Coleman-street &  
 nisi, &c.

*Midd'* ff. **P** Recipe eisdem quod iuste, &c. ten  
 eisdem Conven, &c. de uno Mes-  
 suagio cum pertin in parochia S<sup>ti</sup> Sepulchri ex-  
 tra Newgate Et nisi, &c.

Et est Concordia talis scilicet quod predicti  
 Radus & Margareta recogn predicta Tenementa  
 cum pertin esse sua ipsius Caroli ut illi que idem  
 Carolus habet de dono predicti Radus & Margarete Et  
 illi remiserunt & quiete claud de ipsis Radus & Mar-  
 gareta & hered suis p<sup>o</sup> Carolo & hered suis imperpe-  
 tuum Et p<sup>o</sup>terea idem Radus & Margareta concesserunt  
 p<sup>o</sup> se & heredibus ipsius Radus quod ipsi mar  
 predicto Carolo & heredibus suis predicta Tenementa  
 cum pertin contra predictos Radum &

Margaretam & heredes ipsius Nadi ac contra heredes Willielmum Freeman Arm'd Patris ipsius Nadi & Mariani Freeman Armigeri Ad'i predicti Nadi defuncti imperpetuum Et pro hac, &c.

Capit & cognit' decimo septimo die Junii Anno Regni Regis Caroli secundi sexti decimo coram me

Orl. Bridgman.

Of thirty-three Acres of fresh Marsh (by the Word *Tenementa* in the Concord.)

Kanc. ff. **P**etite Johanni Diete Gen'd & Elizabethhe uxori ejus quod iustit, &c. teneant Thome Wazo, Conuentionem, &c. de tringinta & tribus aeris morisset filii cum p'ci'd in Old Rumney Et nisi, &c.

Et est Concordia talis scilicet quod predicti Johannes & Elizabetha recognoscunt predicta Tenementa cum p'ci'd esse suis ipsius Thome in illis que idem Thomas habet de dono predicti Johannis & Elizabethhe Et illi remis & quiet claud de ipsis Johanne & Elizabetha & heredibus suis predicto Thome & heredibus suis imperpetuum Et preterea iidem Johannes & Elizabetha concesserunt p se & heredibus ipsius Johannis quod ipsi war p'dicto Thome & heredibus suis p'dicta Tenementa cum p'ci'd contra p'dictos Johannem & Elizabetham & heredes ipsius Johannis imperpetuum Et p hac, &c.

Capit & cognit' (ut supra.)

Of a Manor, Park and Site of the late Monastery of *Ramsey*, with several Messuages, Tofts, Dove-houses, Gardens, Orchards, Acres of Land, Meadow, Pasture, Wood, Furze and Heath, Moor, Marsh and Turbary, and of a Rectory.

Hunt' ff. **P** Recipe *Henrico Williams* alias *Cromwel Armig & Anne uxori* ejus quod iuste, &c. teneant *Johanni Popris Gen* Conventuionem, &c. de manerio de *Ramsey* cum pertin ac de Parco de *Ramsey* cum pertin Pecnon de situ nuper monasterii de *Ramsey* cum pertin Acetiam de decem messuagiis sexdecim coragiis sexdecim tofts tribus columbar' viginti gardinis viginti pomariis sexcentis acris terre centum acris prati quingentis acris pasture sexaginta acris bosci quadringentis acris jampnozumi & byuere quatuor mille acris moze quatuor mille acris marisci & duabus mille acris turbar' cum pertin in *Ramsey & Biggine Ar* de Rectoria de *Ramsey* cum pertin Et nisi, &c.

Et est concordia talis scilicet quod predicti *Henricus & Anna* recogn' predicta manium parcum situm tenementa & rectoriam cum pertin esse suis, &c.

A Fine *sur Concessu* from two Cognisors to one Cognisee of divers Manors, Tene-ments, and of Common of Pasture, and a Rectory, to hold to the Cognisee for 60 Years (if the Cognisors, or either of them, so long live) without Impeachment of Waste, rendering the yearly Rent of a Pepper-Corn, if demanded.

Norf. ff. **P** Recipe R. P. Far & R. uxor  
 ejus quod iuste, &c. ten. R. P.  
 (S. T. D.) Con, &c. de Man de P. A. A.  
 P. S. W. B. B. C. alias C. alias W. B. &  
 P. cum pertin. Ac de triginta mesuagiis tribus  
 molendinis triginta gardinis triginta pomariis  
 octingentis acris terre centum acris prati ducen-  
 tis acris pasture centum acris bosci mille acris  
 dampnozumi & buere & Communia pasture cum  
 pertin. in Paston Happesburgh Lambs alias  
 Lamas Scottow Parham Paston Bromehome  
 Keilwicke Bnapton Trunch Mundesley Cromer  
 Gresham Farmingham East Peckham West  
 Beckham Aylmerton Felbrigge Rowton Susted  
 Petton Town Farmingham Northwood Bar-  
 mingham Winter Barmingham Barmingham  
 parva Pattlaske Plumsted Hempsted prope Ba-  
 consthorpe Raconsthorpe Wickner Thurkerton  
 Alborough alias Ayleborough Ewenthorpe alias  
 Edithorpe Crosswicke Kidlington Malcot &  
 Swayfield Pecnon de Rectoria de Paston cum  
 pertin. Et nisi, &c.

Et est Concordia talis scilicet quod predicti  
 R. & R. concesserunt predicto T. predicta manes-  
 -menta communiam pasture & Rectori-  
 am



cum pertinenti habendū & tenendū eidem T. a Festo  
 Natalis Domini ult̄ p̄terit̄ usque finem ter-  
 mini sexaginta annorum extunc p̄or̄ sequendū &  
 plenar̄ complendū si p̄dicti R. & R. seu eorum  
 alter tam diu vixerint sine impetitione aliquas  
 Vassalli reddendū inde annuatim p̄dictis R. & R.  
 unum Granum Piperis ad Festum Sancti Mi-  
 chaelis Archangeli annuatim solvendū toto termi-  
 no p̄dicto si p̄curatur si p̄dicti R. & R. seu eorum  
 alter tandiu vixerint Et p̄dicti R. & R. & here-  
 des ipsius R. (viri) warant p̄dicto T. p̄dicta  
 Maneria Tenementa Communiam Pasture &  
 Rectoziam cum pertinenti sicut p̄dictum est toto  
 termino p̄dicto si p̄dicti R. & R. seu eorum al-  
 ter tam diu vixerint Et p̄o hac, &c.

Capit & cognit (ut supra.)

*Upon two Writs of Covenant.*

- (1.) Of a Manor, Park, Messuages, Cotta-  
 ges, a Wind-mill for Corn, Dove-houses,  
 Gardens, Orchards, Land, Meadow, Pa-  
 sture, Wood, Furze and Heath, Rent, Com-  
 mon of Pasture, Liberty of Foldage, Free-  
 Warren, View of Frank-pledge, and what-  
 ever belongs to View of Frank-pledge,  
 Goods and Chattels of Felons and Fugi-  
 tives, Persons outlawed and attainted,  
 Felons *de se*, and of Deodands, in the  
 County of Cambridge: And
- (2.) Of a Manor, Park, Messuages, a Water-  
 mill, a Dove-house, Gardens, Orchards,  
 Land,

Land, Meadow, Pasture, Wood, Furze  
and Heath, Liberty of Foldage and Rent,  
in the County of *Suffolk*.

**Cantabr' ff.** **P** Recipe Johanni Cotton Milite  
& Baronetto & Jane urozi eius  
quod iuste, &c. teneant Martino Folkes sen  
Sen & Martino Folkes jun Gen' Conventio-  
nem, &c. de Manerio de Cheveley cum pertind  
de Parco de Cheveley cum pertind Pecnon de  
ex mesuagiis sex cotagiis uno molendino veneti-  
tico duobus columbar sex gardinis sex pomar'  
trescentis & quinquaginta acris terre quadraginta  
acris prati centum & quadraginta acris pasture  
quadraginta acris bosci quingentis acris samp-  
norum & buere viginti solidat Reddit Com-  
munia pasture Libertat Faldagii Libera Ma-  
renna Mss Franc pleg & quicquid ad Mss  
Franc pleg pertinet Ronis & Catallis Felonum  
& fugitivorum Uclagatorum & attrinctorum se-  
lonum de se & Deodand cum pertind in Cheve-  
ley Ashley Silverley Kirling Wood Ditton  
Ditton Wallence Ditton Camincyes & Serton  
Acetiam de Advocatione Ecclesie de Cheveley Et  
Mss, &c.

**Suff. ff.** **P** Recipe eisdem quod iuste, &c. te-  
neant eisdem Conventiorem &c. de  
Manerio de Lidgate cum pertind ac de parco de  
Lidgate cum pertind Pecnon de duobus mesua-  
giis uno molendino aquatico uno Columbar duo-  
bus gardinis duobus pomariis mille acris terre  
centum acris prati trescentis acris pasture viginti  
& quinque acris bosci trescentis acris sampnorum  
& buere libertate Faldagii & triginta solidat red-  
dit cum pertind in Lidgate Dwidon Wickham  
Hook

Brook Curtling Ashley Cowling Dalham Popham  
ton & Bradley parva Ac de Advocacione Ecclesie  
de Lidgate Et nisi, &c.

Et est Concordia talis scilicet quod p[ro] Johanne  
nes & Jana recognoverunt predicta Maneria parca  
tenementa communiam pasture liberam warren-  
nam W[il]l[el]m[us] Franc[us] p[re]s[ent]is & quicquid ad W[il]l[el]m[us] Franc[us]  
p[re]s[ent]is p[er]tinet libertat[em] saluagiorum bona & catalla  
felonum & fugitivorum uelagatorum & attinctorum  
felonum de se & deodand[is] cum p[er]tinentiis ac advocati-  
ones predictas esse suas ipsius Martini sen[te]ntie ut illi  
que iidem Martinus sen[te]ntie & Martinus jun[ior] habent  
de dono predictorum Johannis & Jane Et illi re-  
miserunt & quiete clamaverunt de ipsis Johanne  
& Jana & heredibus ipsius Johannis p[re]s[ent]is Martini  
sen[te]ntie & Martino jun[ior] & heredibus ipsius Martini  
sen[te]ntie imperpetuum Et preterea iidem Johannes  
& Jana concesserunt pro se & heredibus ipsius Jo-  
hannis quod ipsi war[ren] predictis Martino sen[te]ntie &  
Martino jun[ior] & heredibus ipsius Martini sen[te]ntie p[re]-  
dicta maneria parca tenementa communiam pastu-  
re liberam warrennam W[il]l[el]m[us] Franc[us] p[re]s[ent]is & quicquid  
ad W[il]l[el]m[us] Franc[us] p[re]s[ent]is p[er]tinet libertat[em] saluagiorum  
bona & catalla felonum & fugitivorum uelagatorum  
& attinctorum felonum de se & deodand[is] cum p[er]tinentiis  
ac advocaciones predictas contra p[ro]dictos Johannem  
& Janam & heredes ipsius Johannis imperpetuum  
Et pro hac, &c.

Capit[ulum] & cognit[um] tertio die Mar-  
tii Anno Regni Regis Car-  
oli secundi sexto decimo co-  
ram me

Jo. Vaughan.

A Fine

A Fine levied of 100 l. annual Rent issuing out of several Manors, Messuages, Cottages, Barns, a Dove-house, Gardens, Orchards, Land, Meadow, Pasture, Wood, Furze and Heath, 40 s. Rent, and free Fishing.

Buck. ff. **P** Recipe Thome Isaac Arm & Katherine uxori ejus Alexandro Burlston Gener Humfredo Burlston Gener & Rose Burlston quod iuste, &c. teneant Carolo Duncombe Gen & Willielmo Bartlett Gen Conventiorem, &c. de annuali Redditu centum Lisbarum ex un de & ex maneriis de Tytingham & Filgrave cum pertin Ac de & ex quinque mesuagiis quinque cotagiis quinque horreis uno columbar quinque gardinis quinque pomariis quadringentis acris terre ducentis acris prati octingentis acris pasture tribus acris bosci centum acris jumpnozorum & buere & quadraginta solidat reddit cum pertin in Tytingham & Filgrave Pecnon de libera piscaria in Aqua de Dole cum pertin in Tytingham & Filgrave Et nisi, &c.

Et est Concordia talis scilicet quod predicti Thomas & Katherine Alexander Humfredus & Rose recogn predict Redditu esse suo ipsius Caroli ut illi que iidem Carolus & Willielmus habent de dono predict Thome & Katherine Alexandri Humfredi & Rose Et illi remiserunt & quicere clamaverunt de se & heredibus suis predictis Carolo & Willielmo heredibus ipsius Caroli imperpetuum Et preterea iidem Thomas & Katherine concesserunt pro se & heredibus ipsius Katherine quod ipsi war predictis Carolo & Willio & heredibus



heredibus ipsius Caroli predicti Redditum contra predictos Thomam & Rotherinam & heredes ipsius Rotherine imperpetuum Et ulterius idem Alexander concessit pro se & heredibus suis quod ipsi war predictis Carolo & Willielmo & heredibus ipsius Caroli predicti Redditum contra predictum Alexandrum & heredes suos imperpetuum Et insuper idem Humfredus concessit pro se & heredibus suis quod ipsi war predicti Carolo & Willmo & heredibus ipsius Caroli predicti Redditum contra predictum Humfredum & heredes suos imperpetuum Et etiam eadem Rosa concessit pro se & heredibus suis quod ipsi war predictis Carolo & Willmo & heredibus ipsius Caroli predictum Redditum contra predictam Rosam & heredes suos imperpetuum Et pro hac, &c.

Capit & cognit (ut supra.)

A Fine of an Honour, Manor, Messuages, Cottages, Dove-houses, Gardens, Orchards, Land, Meadow, Pasture, Wood, and the Advowson of a Church.

Hertf. ff. **P**recipe Willielmo Willoughby Domino Willoughby de Parham Georgio Willoughby Arm filio & heredi apparenti predicti Willielmi Johanni Cary Arm & Willielmo Whillock Arm quod iuste, &c. teneant Racheo Blacke Armigero Conventus nem, &c. de honore de Hunsdon cum pertinentiis ac de manerio de Hunsdon cum pertinentiis Pecoron de sex messuagiis sex cottagiis duobus columbarum duodecim gardinis duodecim pomarlis mille acris terre quinquaginta acris prout centum et quadraginta acris pasture & quatuor aeris bosci cum pertinentiis in Hunsdon Eastwicke & Branstead Accetiam

Actiam de Advocatione Ecclesie de Hunsdon Et

Et est Concordia talis scilicet quod predicti Willielmus Dominus Willoughby Georgii Johannes & Willielmus Whithlocke recognoverunt predicta honorem manerium & tenementa cum pertinentiis ac advocacionem predictam esse ius ipsius Mathei ut illi que idem Matheus habet de dono predictorum Willielmi Domini Willoughby Georgii Johannis & Willielmi Whithlock Et illi remiserunt & quiete claudere de se & heredibus suis predicto Matheo & heredibus suis imperpetuum Et preterea idem Willielmus Dominus Willoughby concessit pro se & heredibus suis quod ipsi war predicto Matheo & heredibus suis predicta honorem manerium & tenementa cum pertinentiis ac Advocacionem predictam contra predictum Willielmum Dominum Willoughby & heredes suos imperpetuum Et ultimus idem Georgius concessit pro se & heredibus suis quod ipsi war predicto Matheo & heredibus suis predicta honorem manerium & tenementa cum pertinentiis ac Advocacionem predictam contra predictum Georgium & heredes suos imperpetuum Et insuper idem Johannes concessit pro se & heredibus suis quod ipsi war predicto Matheo & heredibus suis predicta honorem manerium & tenementa cum pertinentiis ac Advocacionem predictam contra predictum Johannem & heredes suos imperpetuum Et etiam idem Willielmus Whithlocke concessit pro se & heredibus suis quod ipsi war predicto Matheo & heredibus suis predicta honorem manerium & tenementa cum pertinentiis ac Advocacionem predictam contra predictum Willielmum Whithlocke & heredes suos imperpetuum Et per hac, &c.

Capit & cognit (ut supra.)

A Fine *sur Concessit* for ninety-nine Years (if the Wife of the first Cognisor so long live) of a Manor, Borough, Messuages, Tofts, Mills, Gardens, Land, Meadow, Pasture, Wood, Furze and Heath, Rent, Common of Pasture for all Cattle, a Rectory, and the Advowson of a Church.

Wilts' ff. **P**recipe R. H. Milici & H. uxori  
ejus J. M. Arm & R. C. Arm  
quod jussu, &c. teneant J. M. Gen Conven-  
tionem, &c. de manerio de W. B. als W. M.  
cum pertind ac de Burgo de W. B. als W. M.  
Pernon de ducentis mesuagiis quadraginta cotis  
duobus molendinis ducentis gardinis mille acris  
terre ducentis acris prati tribus mille acris pa-  
sture triginta acris bolci octingentis acris samp-  
nozum & buere decem libras decem & novem so-  
lidas novem denariis & uno obula Reddit &  
Communia pasture pro omnibus Aberiis cum  
pertind in Wotton Ballet alias Wotton Velus  
Woad Hinton Cleeve Pipard Toskenham East  
Toskenham West Toskenham Binkworth Ly-  
diard Tregole Swindon & Foresta de Braydon  
Acetiam de Rectoria de Wotton Ballet alias  
Wotton Velus cum pertind Ac de Advocatione  
Ecclesie de Wotton Ballet alias Wotton Velus  
Et nisi, &c.

Et est Concordia talis scilicet quod predicti R.  
H. & H. J. & R. C. concesserunt predicto J. M.  
predicta Manerium Burgam Tenementa Reddit  
Communitam pasture & Rectoriā cum pertind ac  
Advocationem predictam habend & tenend eidem J. a  
Festo Natalis Domini usq; finem ter-  
mini

mini nonaginta & novem annorum extunc ppor  
sequend & plenarie complend (si pzedicta H. tam  
diu vixerit) reddendo inde annuatim pzedictis J.  
W. & R. C. & heredibus ipsius J. unum grand  
Piperis ad Festum Scti Mich Archangeli an  
nuatim solvend toto termino pzedicto si petatur  
(si pzedicta H. tam diu vixerit) Et pzedicti R.  
H. & H. & heredes ipsius R. war pzedicto J. W.  
pzedicta manerium burgum tenementa reddit  
communitam pasture & rectoziam cum pertind ac  
advocationem pzedictam sicut pzedictum est toto  
termino pzedicto (si pzedicta H. tam diu vixerit)  
Et pzedictus J. W. & heredes sui war pzedicto J.  
W. pzedicta manerium burgum tenementa red  
dit communitam pasture & rectoziam cum pertind  
ac advocationem pzedictam sicut pzedictum est toto  
termino pzedicto (si pzedicta H. tam diu vixerit)  
Et ulterius idem R. C. & heredes sui warant  
pzedicto J. W. pzedicta manerium burgum tene  
menta reddit communitam pasture & rectoziam  
cum pertind ac advocationem pzedictam sicut pze  
dictum est toto termino pzedicto (si pzedicta H.  
tam diu vixerit) Et p hac, &c.

Capit & cognit octavo die Dec  
cembre Anno Regni Regis  
Caroli secundi vicesimo scbo  
cozam nobis

Anglesey.  
Gilbert Gerard,  
Tho. Banks.

Virtute  
Commissionis  
de Ded Pot  
Teste 22 Junii  
Anno 22 supza  
dicto.



A *Præcipe* of a Manor, Messuages, Mills, a Dove-house, Gardens, Lands, Meadow, Pasture, Wood, Furze and Heath, Rent, Free-Warren, View of Frank-Pledge, a Rectory, and the Advowson of a Church.

Leic' ff. **P**ræcipe Johanni Prettyman Baro- netto Georgio Prettyman Baro- netto & Elizabethæ uxori ejus Edwardo Hungerford Militi balnei Thome Doleman Militi & Margerie uxori ejus Willo Prettyman Arm & Johanni Morris Gen quod iuste, &c. teneant Thome Waller serbient ad Legem & Rictho Smith Gen Conventionem, &c. de Manerio de Loddington cum pertin ac de quinquaginta mes- suagiis duobus molendinis una columbar quin- quaginta gardinis mille acris terre quadringen- tis acris prati octingentis acris pasture ducentis acris bosci centum acris Jampnozium & Fuere centum solidat reddit libera warennam Wils Franc pleg cum pertin in Loddington Tilton Laund & Whadbozow alias Whadbozough Pecnon de Rectoria de Loddington cum pertin Ac etiam de Advocatione Vicarie Ecclesie de Loddington Et nisi, &c.

Et est Concordia talis scilicet quod predicti Jo- hannes Prettyman Georgius & Elizabetha Ed- wardus Thomas Doleman & Margeria Will- elmus & Johannes Morris recogni predicta ma- nerium tenementa reddi liberam warennam Wils Franc pleg & rectoriam cum pertin ac advocatio- nem pō esse ius ipsius Thome Waller ut ill- que iidem Thomas & Rictho habent de dono pre- didorum

didorum Johannis Petyman Georgii & Eliza-  
 bethe Edwardi Thome Doleman & Margerie  
 Willielmi & Johannis Morris Et illi remis-  
 runt quiete clamaverunt de se & heredibus suis  
 predictis Thome Waller & Richo & heredibus  
 ipsius Thome imperpetuum Et preterea idem  
 Johannes Petyman concessit pro se & heredibus  
 suis quod ipsi war' predictis Thome Waller &  
 Richo & heredibus ipsius Thome predicta mane-  
 rium tenementa reddit' liberam warennam Vis  
 Franc' pleg' & rectoriam cum pertin' ac advocati-  
 onem predictam contra predictum Johannem Pre-  
 tyman & heredes suos imperpetuum Et ultius  
 iidem Georgius & Elizabetha concesserunt pro se  
 & heredibus ipsius Georgii quod ipsi warant pre-  
 dictis Thome Waller & Richo & heredibus ip-  
 sius Thome predicta manerium tenementa reddit'  
 liberam warennam Vis Franc' pleg' & Rector-  
 riam cum pertin' ac advocacionem predictam con-  
 tra predictos Georgium & Elizabetham & heredes  
 ipsius Georgii imperpetuum Et insuper idem  
 Edwardus concessit pro se & heredibus suis quod  
 ipsi warant predictis Thome Waller & Richo &  
 heredibus ipsius Thome predicta manerium te-  
 nementa reddit' liberam warennam Vis Franc'  
 pleg' & Rectoriam cum pertin' ac advocacionem p-  
 dictam contra predictum Edwardum & heredes  
 suos imperpetuum Et etiam iidem Thomas Dole-  
 man & Margeria concesserunt pro se & heredibus  
 ipsius Thome quod ipsi warant predictis Thome  
 Waller & Richo & heredibus ipsius Thome pre-  
 dicta manerium tenementa reddit' liberam ware-  
 nam Vis Franc' pleg' & rectoriam cum pertin'  
 ac advocacionem predictam contra predictos Tho-  
 mam Doleman & Margeriam & heredes ipsius  
 Thome imperpetuum ac etiam idem Willielmus

concessit pro se & heredibus suis quod ipsi war  
 predictis Thome Waller & Nicholao & heredibus  
 ipsius Thome predicta manerium tenementa red-  
 ditum liberam warennam Vis Franc' pleg' & rec-  
 toziam cum perrin' ac advocacionem predictam con-  
 tra predictum Willielmum & heredes suos imper-  
 petuum Et denique idem Johannes Porris conces-  
 sit pro se & heredibus suis quod ipsi warant pre-  
 dictis Thome Waller & Nicholao & heredibus ip-  
 sius Thome predicta manerium tenementa reddi-  
 cum liberam warennam Vis Franc' pleg' & recto-  
 riam cum perrin' ac advocacionem predictam con-  
 tra predictum Johannem Porris & heredes suos  
 imppetuum Et pro hac, &c.

Capit

**Capit & cognit per supranominat**  
**Johannem Pzetyman** **Georgiu**  
**Pzetyman & Elizabetham** ux-  
**orem ejus Edwardum Hunger-**  
**ford Willielmum Pzetyman &**  
**Johannem Morris** quarto die  
**Augusti Anno Regni Regis Ca-**  
**roli secundi vicesimo secundo co-**  
**ram**

**Georg' Lulls.**  
**Will' Belke.**

**Capit & cognit per supranominat**  
**Thoma Doleman & Mageriam**  
**uxorem ejus** decimo octavo die  
**Augusti Anno Regni Domini**  
**Caroli secundi nunc Regis An-**  
**glie, &c. vicesimo secundo coram**  
**nobis.**

**Rich' Pocock.**  
**Phill' Kistell.**

**Virute**  
**Committi.**  
**ontis de Des**  
**dimus Po-**  
**testatem**  
**Teste 22**  
**die Julii**  
**Anno 22**  
**supradicto.**

A Fine from eight Cognisfors to two Cog-  
nisees, of a Manor, Messuages, Cottages,  
Barns, a Dove-house, Gardens, Orchards,  
Land, Meadow, Pasture, Furze and  
Heath, Rent, Free Fishing, and the Ad-  
vowson of a Church, with special Wa-  
ranty by the first Cognisfor and his Wife,  
against them and the Heris of the Hus-  
band, and against the Heirs of his Bro-  
ther and Father, and against all others  
claiming against them the said Husband  
and Wife, Brother and Father, or either  
of them (the other Cognisfors warranting  
generally against them and their Heirs.)

**Buck' ff. P** Recipe **Willielmo Tyzingham**  
**Milici Balnei & Saxe uxori ejus**  
**K 3** **Pen**



Henrico Wrighe Armigero Johanni Hutchinson  
generoso Johanni Bathurst Armigero Nicholao  
Lanpon Armigero & Dorothee uxori ejus & Edwardo  
Backwell Armigero quod iuste, &c. teneant  
Johanni Morris Generoso & Richardo Mountney  
Juniori Generoso Conventionem, &c. de manerio  
de Tyztingham cum pertinentiis ac de quinque  
meluagiis quinque cotagiis quinque horeis uno  
columbarum quinque gardinis quinque pomariis  
quadringentis acris terre dutentis acris prati octo  
ringentis acris pasture tribus acris bosci centum acris  
Jampnozorum & bzuere & quadraginta solidat red-  
dit cum pertinentiis in Tyztingham Perton de li-  
bera piscaria in Aqua de Dulse cum pertinentiis in  
Tyztingham Auetiam de Ecclesie de Tyztingham  
C. nisi, &c.

Et est Concordia talis scilicet quod predicti Wil-  
lielmus & Sara Henricus Johannes Hutchinson  
Johannes Bathurst Nicholas & Dorothea & Ed-  
wardus recognoverunt predicta manerium tene-  
menta & piscariam cum pertinentiis ac advocacionem  
predictam esse suis ipsius Johannis Morris ut illi  
que ibidem Johannes & Richardus habent de dono  
predictorum Willielmi & Sare Henrici Johannis  
Hutchinson Johannis Bathurst Nicholai & Do-  
rothee & Edwardi Et illi remiserunt & quiete cla-  
maverunt de ipsis Willielmo & Sare Henrico  
Johanne Hutchinson Johanne Bathurst Nicholao  
& Dorothea & Edwardo & heredibus suis predictis  
Johanni Morris & Richardo & heredibus ipsius  
Johannis imperpetuum Et preterea iidem Wil-  
lielmus & Sara concesserunt pro se & heredibus  
ipsius Willielmi quod ipsi war predictis Johan-  
ni Morris & Richardo & heredibus ipsius Johan-  
nis predicta manerium tenementa & piscariam cum  
pertinentiis ac Advocacionem predictam contra pre-  
dictum Willielmum & Saram & heredes ipsius Wil-  
lielmi

Ielmi ac contra hered Johannis Tyzingham Mi-  
 litis Fratris predicti Willielmi & Thome Ty-  
 zingham Militis Patris predicti Willielmi de-  
 functorum Ac contra omnes alias clamantes per  
 predictos Willielmum & Saram Johannem & Tho-  
 ma aut eorum alterum imperpetuum Et ultius  
 idem Henricus concessit pro se & heredibus suis  
 quod ipsi war predictis Johanni Porris & Richar-  
 do & heredibus ipsius Johannis predicta maneri-  
 um tenementa & piscariam cum pertinent ac Ad-  
 vocationem predictam contra predictum Henricum  
 & hered suos imperpetuum Et insuper idem Jo-  
 hannes Hutchinson concessit pro se & heredibus  
 suis quod ipsi war predictis Johanni Porris &  
 Richardo & heredibus ipsius Johannis predicta  
 manerium tenementa & piscariam cum pertinent  
 ac Advocationem predictam contra predictum Jo-  
 hannem Hutchinson & hered suos imperpetuum  
 Et etiam idem Johannes Wathurst concessit pro  
 se & heredibus suis quod ipsi war predictis Jo-  
 hanni Porris & Richardo & hered ipsius Johan-  
 nis predicta manerium tenementa & piscariam cum  
 pertinent ac Advocationem predictam contra pre-  
 dictum Johannem Wathurst & hered suos imper-  
 petuum Et etiam idem Nicholas & Dozothia  
 concesserunt pro se & heredibus ipsius Nicholai  
 quod ipsi warant predictis Johanni Porris & Ri-  
 chardo & heredibus ipsius Johannis predicta ma-  
 nerium tenementa & piscariam cum pertinent ac  
 Advocationem predictam contra predictos Nichola-  
 um & Dozothiam & hered ipsius Nicholai imper-  
 petuum Et denique idem Edwardus concessit pro  
 se & hered suis quod ipsi war predictis Johanni  
 Porris & Richardo & heredibus ipsius Johannis  
 predicta manerium tenementa & piscariam cum per-  
 tinent ac Advocationem predictam contra predictum Ed-  
 wardum & hered suos imperpetuum Et p hac, &c.

Capit & cognit p supranominat  
 Nicholaum Lanyon & Dozo-  
 rtheam uxorem ejus decimo  
 nono die Martii Anno Regni  
 Dnd Caroli scđi nunc Regis  
 Anglie, &c. vicesimo scđo co-  
 ram nobis

Roberto Clayton,  
 Willielmo Belke.

Capit & cognit p supranomina-  
 tos Willielmum Tyzingham  
 & Saram uxorem ejus Jo-  
 hannem Barhurst & Edwar-  
 dum Backwell vicesimo scđo  
 die Junii Anno Regni Regis  
 Caroli scđi vicesimo scđo cora  
 nobis

Roberto Clayton,  
 Richardo Maryot.

Capit & cognit p supranomina-  
 tos Henricum Wright & Jo-  
 hem Hutchinson primo die  
 Julii Anno Regni Regis Ca-  
 roli scđi vicesimo scđo coram  
 nobis

Roberto Clayton,  
 Willielmo Belke.

Wirtute Com-  
 missionis de de-  
 dimus Potesta-  
 rem Teste nono  
 die Martii An-  
 no 22 supra-  
 dicto.

A Fine of divers Manors, Messuages, Gardens, Land, Meadow, Pasture, Wood, Furze and Heath, Courts-Leet, Courts-Baron, View of Frank-Pledge, Rectories, Tithes, Oblations, Pensions, Portions and the Advowsons of several Churches; with five Warranties and four Captions.

Lincoln ff. **P** Recipe Georgio Duci Buckingham & marie uroxi ejus Ranaldo Grahine Armigero Georgio Brown Militi Balnei & Elizabethhe uroxi ejus Johanni Porris Armigero & Roberto Clayton Generoso quod iuste, &c. teneant Thome Hook Generoso & Willo Belke Generoso Conventionem, &c. de maneriis de Wragby & Terrington cum pertinentiis ac de decem messuagii decem gardinis trecentis acris terre quadraginta acris prati ducentis acris pasture centum acris bosci trecentis acris sampnozumi & buere Curiam Let Cur Baron ad Wils Franc' plegi cum pertinentiis in Wragby Hardwick East, Terrington West, Terrington Houghton alias Holton cum Becker, ing Tresbut Panton & Bawkwith Acetiam de Rectoriis de Wragby & Terrington cum pertinentiis Pecnon de omnibus & omnimodis decimis oblationibus pensionibus & portionibus annuatim pvenien crescen seu renovan in Wragby Terrington Ac de Advocationibus Ecclesiarum de Wragby & Terrington Et nisi, &c.

Et est Concordia talis scilicet qd pdict Dux & maria Ranaldus Georgius & Elizabetha Johannes & Robertus recognoverunt predicta maneria tenementa Cur Let Cur Baron Wils Franc' pleg & rectorias cum pertinentiis ac decimas oblationes



oblationes pensiones & portiones ac advocatio-  
 nes predict esse ius ipsius Thome. Et ita que  
 idem Thomas & Willielmus habent de dono  
 predictorum Ducis & Marie Ranaldi Georgii  
 & Elizabeth Johannis & Roberti Et illi remiserunt  
 & quiete clamaverunt de ipsis Duce & Maria  
 Ranaldo Georgio & Elizabeth Johanne & Rob-  
 to & heredibus suis p<sup>o</sup> Thome & Willo & here-  
 dibus ipsius Thome imperpetuum Et preterea  
 idem Dux & Maria concesserunt pro se & heredi-  
 bus ipsius Ducis quod ipsi war predict Thome  
 predicta maneria tenementa Cur Let Cur Ba-  
 ron W<sup>is</sup> Franc pleg rectorias cum pertin<sup>o</sup> ac de-  
 cimas oblationes pensiones & portiones ac advo-  
 cationes predict contra predict Ducem & Mariam  
 & heredes ipsius Ducis imperpetuum Et ulterius  
 idem Ranaldus concessit pro se & heredibus suis  
 quod ipsi war predict Thome & Willo & heredi-  
 bus ipsius Thome predict maneria tenementa  
 Cur Let Cur Baron W<sup>is</sup> Franc pleg & recto-  
 rias cum pertin<sup>o</sup> ac decimas oblationes pensiones  
 & portiones ac advocaciones predictos contra pre-  
 dict Ranaldum & heredes suos imperpetuum Et  
 insuper idem Georgius & Elizabeth concessit  
 runt pro se & heredi ipsius Georgii quod ipsi war  
 predict Thome & Willo & heredi ipsius Thome p<sup>o</sup>  
 maneria tenementa Cur Let Cur Baron W<sup>is</sup>  
 Franc pleg & rectorias cum pertin<sup>o</sup> ac decimas o-  
 blationes pensiones & portiones ac advocaciones  
 predict contra predict Georgium & Elizabetham & he-  
 redes ipsius Georgii imperpetuum Et etiam idem  
 Johannes concessit pro se & heredibus suis quod  
 ipsi war predict Thome & Willo & heredibus ip-  
 sius Thome predict maneria tenementa Cur Let  
 Cur Baron W<sup>is</sup> Franc pleg & Rectorias cum  
 pertin<sup>o</sup>

pertin ac decimas oblationes pensiones & portio-  
nes ac advocaciones predict contra predictum Johem  
& heredes suos imperpetuum Et idem Robertus  
concessit p se & heredibus suis quod ipsi war pre-  
dictis Thome & Willo & heredibus ipsius Thome  
predicta maneria tenementa Cur Let Cur Ba-  
ron Wille Franc pleg & rectorias cum pntin ac de-  
cimas oblationes pensiones & portiones ac advoca-  
ciones predictas contra predictum Robertum & heredes  
suos imperpetuum Et pro hac, &c.

**Capit & cognit per supranominatos**

**Ducem & Mariam ux' ejus vi-**  
**cesimo secundo die Junii Anno reg-**  
**ni Regis Car' Secdi vicesimo se-**  
**cundo coram**

**Edwardo Christian.**  
**Georgio Lulls.**

**Capit & cognit p supranominatos Jo-**

**hem Morrig & Robertum Clayton**  
**eisdem die & Anno coram**

**Philippo Kistel.**  
**Georgio Lulls.**

**Capit & cognit per supranominatum**

**Ranaldum Grahine vicesimo oc-**  
**tavo die Junii Anno vicesimo se-**  
**cundo supradicto coram**

**Georgio Lulls.**  
**Tho. Mayhew.**

## Fines.

Capit & cognit per supranominatos  
Georgium Brown & Elizabetham  
uxorem ejus primo die Julii Anno  
vicesimo secundo supradicto coram  
nobis

Philippo Kistel.  
Tho. Pearse.

*Note,* In a Recovery upon this Fine the De-  
mandant counted — quod fuit seisiſt de  
Maneriis Tenementis Cur Let Cur Baron  
Mſs Franc pleg & Rectoriis predictis cum per-  
tinen ac de decimis oblationibus pensionibus  
& portionibus predictis in dominio suo ut de  
feodo & jure ac de advocacionibus predictis ut  
de feodo & jure, &c. And the Warranties  
were — Et gratis Maneria tenementa Cur  
Let Cur Baron Mſs Franc pleg & Rectorias  
predict cum pertinen ac decimas oblationes pen-  
siones portiones & advocaciones predict ei war,  
&c.

*A Fine*

*A Fine upon two Writs of Covenant.*

Of a great Number of Manors, several Hundreds, many Messuages, divers Mills, Dove-houses, Gardens, great Quantities of Land, Meadow, Pasture, Wood, Furze, and Heath, Moor, Marsh, Alder, Land covered with Water; of Rent, Free Fishing, Liberty of Foldage, Courts-Leet, View of Frank-Pledge; of a Rectory, and the Advowsons of several Churches in *Suffolk*; and,

Of several Manors, Messuages, Mills, Dove-houses, Gardens, Land, Meadow, Pasture, Wood, Furze and Heath, Moor, Marsh, Alder, Rent, Free-Fishing, Liberty of Foldage, View of Frank-Pledge, a Rectory, and the Advowsons of a Church, and the Vicaridge of a Church in *Norfolk*.

Suff. ff. **P** Recipe Willo Devingham & Marie uxori ejus quod iuste, &c. teneant Brianus Cokayne Armig Vicecomiti Bullen in Regno Hibernie Radulpho Banks Militi Tho. Fanshawe Militi Balnei Edwardo Vic Ar & Carolo Cornwallis Ar Convention, &c. de Maneriis de Wilton cum Hockwolde cum Wilton alias Wilton cum Hockwolde Ponynge alias Wilton Ponynge alias Hockwolde Ponynge Scales alias Wilton Scales alias Hockwolde Scales Puntfordes alias Holckwolde Puntfordes alias Wilton Puntfordes Diewkeis Deynton Lowstoft alias Leystoft Castleet Westleet Northleet Southleet Corleston Purford Carleton Bromholme in Carleton Colville Hensled alias Blunston



fton Sabages Hensted Blundston alias Blunstons  
 Hensted alias Hensteds Werpounds alias Wopnin-  
 ges Fritton alias Freton alias Fretons Pastons  
 Blundeston alias Cumbles alias Scroopehal a-  
 lias Cumbles Blunston Hevengham Malpool  
 Appeston alias Abbeston Cookely Sypton Hall  
 & Chikeringe cum pertin Ac de hundredis de Lo-  
 chingland & Purford cum pertin Acetiam de cen-  
 tum Mesuagis duobus Polendinis duobus Co-  
 lumbar centum gardinis tribus mille sexcentis &  
 quinquaginta acris terre quingentis acris prati  
 quingentis acris pasture quadringentis & septuas-  
 ginta acris bosci trecentis acris sampnozumi & hu-  
 ere trescentis acris Poze mille acris marisce cen-  
 tum acris alneti octoginta acris terre aqua cooper-  
 re decem Libras Reddit libera piscaria libertat  
 duorum Faldagiorum Cur Let & Wif Franc  
 pleg cum pertin in Brandon Lakenheath Hensted  
 Blundeston alias Blunston Wrentham Fritton  
 alias Freton Wenacre als Wenaker Hestingham  
 Southcove Frostendon alias Frestenden North-  
 Hales Roydon Aggeshal Stoben Rushmer Red-  
 ham magna Redham parva Beccles Somerley-  
 ton als Somerly Town Hopton Olton Copton  
 Flinton Lounde Welton Herringfleet Gunston  
 Lowstoft Ashley Bradwel Burrough Gyleston  
 Sotterly Welfton Southcove Askwaby Gisleham  
 Wernaby Wakefield Kirby alias Kirlly Wandy-  
 Castle Southtown Shadingfield Ellow Milling-  
 ha Heveningham Malpool Appestone als Abbes-  
 ston Cookley Sypton Chickering Huntingfield  
 Laxfield & Peaseval Pernon de advocacionibus ec-  
 clesiarum de Hensted Blundeston Fritton alias  
 Freton Carleton Colville Et nisi, &c.

Norf.

Norfolk. **P** Recipe eisdem quod iuste, &c. te-  
neant eisdem Conventionem, &c.  
de maneriis de Wilton Hockwolde alias Hock-  
wolde cum Wilton alias Wilton cum Hockwolde  
Ponynges alias Wilton Ponynges alias Hock-  
wolde Ponynges Seales alias Wilton a ls Hock-  
wolde Seales Puntfordes alias Wilton Puntfor-  
des alias Hockwolde Puntfordes Stewkels Steu-  
ton Berringham & Castlings cum pertind ac de  
centum meluagiiis duobus molendinis duobus co-  
lubar centum gardinis duabus mille & quingen-  
tis acris terre ducentis & sexaginta acris p[ar]ti sep-  
tingentis acris pasture centum & septuaginta acris  
bosci trescentis acris sampnozum & b[er]bere crescen-  
tis acris moze mille acris marisci centum acris  
alnet centum solidat reddit libera piscaria liber-  
tat trium saldagiozum & Wils Franc pleg cum p-  
tin in Hockwolde Wilton Felthwell Bzandon  
Wering Berringham Berherfett Carleton Can-  
lowe & Inwood Acetiam de Rectoria de Berring-  
ham cum pertind Pecnon de advocacione ecclesie  
Santi Petri in Hockwolde ac addeat vicarie ec-  
clesie de Berringham Et nisi, &c.

Et est Concordia talis scilicet quod predicti  
Willus & Maria record predicta maneria hun-  
dreda tenementa reddit piscarias libertat Cur Let  
Wils Franc pleg & rectoriam cum pertineu ac  
advocationes predictas esse sua ipsius Briani ut ille  
que lidem Brianus Radulphus Thomas Edwardus  
& Carolus habent de dono predictorum Willd &  
Marie Et ille remiserunt & quiete clamaverunt de  
ipsis Willo & Maria & heredibus suis p[re]dictis Bri-  
ano Radulpho Thome Edwardo & Carolo & he-  
redibus

redibus ipsius Bziani imperpetuum Et preterea  
 iidem Willus & Maria concesserunt pro se & he-  
 redibus ipsius Willi qđ ipsi war predicti Bziano  
 Radulpho Thome Edwardo & Carolo & heredibus  
 ipsius Bziani predicta maneria hundreda tenemen-  
 ta reddit piscarias libertat Cur Let Wis Franc  
 pelg & Restoziam cum puid ac advocaciones ptes  
 contra pđ Willum & Mariam & hered ipsius Will-  
 li imppetuum.

Capit & cognit quintodecimo die No-  
 vembz Anno Regni Dni nostri  
 Caroli secundi nunc Regis Anglie,  
 &c. tercio decimo coram

Jo. Morris.

Tho. Brown.

Virtute brevis de. Dedimus Potestatem Teste 7  
 Rob. eodem Anno.

*Note,* See the King's Letter directed to the  
 Justices of the Court of Common Pleas  
 at *Westminster*, to pass these two Fines in  
 order to the suffering two Recoveries of  
 the same Lands entred upon a Plea-Roll  
 in *Michaelmas Term*, Anno 14. Car. 2. Rot.  
 113, amongst the Entries of Mr *Pinsent's*,  
 (now Mr. *Townsend's*) Office of that Term.

Thus

Thus have we set down the several Forms of Fines levied upon a Writ of Covenant, being now mostly or altogether in Use; tho' (as before observed) a Fine may be levied upon a Writ of *Warrantia Chærtæ*, or a Writ of Right, or a Writ of *Mefne*, or a Writ of Custom and Services, &c. in which Cases this Form is observed, *viz.*

The Writ is served upon the Party that is to acknowledge the Fine, and then he appearing doth accordingly. See *Dyer fol. 179. m 46.* See *West. sect. 23.*

**L**

**A Decd**



*A Deed to lead the Use of a Fine.*

**T**his Indenture made &c. Between F. H. of M. in the County of K. Gentleman, and S. his Wife, and T. A. of W. in the same County, Gentleman, and A. his Wife of the one Part; and R. S. of H. in the same County, Yeoman, of the other Part, Witnesseth, That it is covenanted, granted, concluded, condescended and agreed by and between the said Parties to these present Indentures, in Manner and Form following (that is to say) First, That the said F. C. and S. his Wife, T. A. and A. his Wife, shall and will within the Space of six Months next ensuing the Date hereof, by due Course of Law, acknowledge and levy unto the said R. S. and his Heirs, before the Justices of his Majesty's Court of Common Pleas at *Westminster*, one Fine *Sur concessit de droit come ceo*, &c. whereupon Proclamations may be had according to the Form of the Statute in that Case made and provided; of or for one Messuage or Tenement, one Barn, one Garden, one Orchard, and one Piece or Parcel of Land thereunto belonging, containing in all by Estimation, one Acre more or less, situate, lying and being in M. in the County aforesaid, and now in the Tenure or Occupation of I. W. or of his Assigns, bounding and abutting to the Lands belonging to the Dean and Chapter of *Christ-Church Canterbury*, towards the South and West, to the Lands now or late of T. H. towards the East, and to the King's Highway towards the North. Which Fine as aforesaid agreed upon to be levied, shall be levied by the Name of one Messuage, one Barn, one Garden, one Orchard, and

one Acre of Land, with Appurtenances in M. in the County aforesaid, or by such other apt or fit Name or Names as shall be thought fit and convenient. And it is hereby further covenanted, granted, concluded, condescended and agreed by and between the said Parties to these Presents, that the said Fine as aforesaid agreed upon to be levied by the Name aforesaid, or by what other Name or Names soever, or in what other Manner and Form soever, shall be and enure, and also the said R. S. and his Heirs, shall stand and be seised of the Premises aforesaid, and of every Part and Parcel thereof, to the only Use and Behoof of the said R. S. his Heirs and Assigns for ever, and to no other Uses, Intents or Purposes whatsoever. *In Wit-  
ness, &c.*

*Of the Effect and Operations of Fines.*

**W**E now come to consider the Effect and Operation of Fines, wherein it is to be noted, That a Fine at this Day is a final End which doth conclude, bar and discharge forever, as well parties as Privies and Strangers to the same.

Except { Women Covert, (other than such  
as be Parties.)  
Persons being within the Age of  
21. at the Time of levying thereof.  
Persons in Prison, or out of the  
Realm,  
And Persons of unsound Mind.

These and their  
Heirs have five  
Years Time to  
pursue their  
Right after  
these Imper-  
fections be re-  
moved.

These are excepted, not being Parties to such Fines. *Quod nota.*

Here an Action  
is maintainable  
against the  
Pernor of the  
Profits.

Here also the  
Action is main-  
tainable a-  
gainst the Per-  
nor of the Pro-  
fits.

Parties to the  
Fine, how  
barred.

Infant Party.

Saving also to Estrangers to such Fines, such Right, Title, Claim and Interest, as they have to the Land contained in the Fine at the Time of the ingrossing thereof; so that they, or their Heirs, pursue the same by Action or lawful Entry within five Years after Proclamations thereupon made according to the Statutes. And saving to all other Persons such Action, Right, Title, Claim and Interest in or to the Land, as first shall grow, descend, remain or come after the Fine ingrossed, and Proclamations made, by Force of any Cause or Matter had or made before the Fine levied, so that they pursue their Action, Right or Title within five Years next after that it to them accrued. See the Statutes of *Fines*, 18 *Ed.* 1. 4. 34 *Ed.* 3. 16. 1 R. 3. 7. 4 H. 7. 24. 32 H. 8. 36.

For the Explication of these Statute observe:

That the Persons to be barred by a Fine are the Parties to the Fine, the Privies and Estrangers.

The Parties are really barred, though they be Ideots or *Non compotes mentis*. *Co. Lit.* 247. *Co. Inst.* 2 Part, 516

So the Fines of Men that have the Lethargy, old doting Persons, drunken Men, &c. (tho' they ought not to be received,) yet being received, are unavoidable and binding. 17 *E.* 3. 5. 78. 17 *Aff.* 17. *Plowd.* 368. 4 *Co.* 124.

The Parties themselves to the Fine (if they be of the Age of 21 Years) are for ever bound up by the Fine, and have no Time given them by Claim to avoid it: but an Infant is preserved during his Minority; so that if he pass away his Estate by Fine, it may be reversed at any Time during his Minority, but not afterwards. 17 *E.* 3. 52. 78. 59 *Ed.* 3. 5. 2 *Bulst.* 320. Such

Such as are blind, deaf or dumb naturally or accidentally, if they can exprefs their Mind in Writing, may in some Cafes be barred by their own, or by the Fines of another Man.

*Privies how barred.*

**P**RIVIES, being Heirs and Executors to the Parties, (void of Impediment at the Time of the Fine levied or not) if they claim by the fame Title that their Ancestor had, that levied the Fine, are barred for ever by the Fine.

Privies, who.

And by Privies also are understood Privies in Blood, not only the Heir at the Common Law, but Heirs by Custom, as Burrough-English, Gavelkind, and the like, who claim as Heirs by Custom. But by Privies are not intended fuch Privies in Eftate, as are Jointenants, Donor and Donee, Lessor and Lessee, or the like. 2 Co. Inst. 516.

Privies in Blood.

That the Son fhall never have Remedy upon a Fine levied in the Time of his Father, and the five Years after the Proclamations paffed, but in Cafe where the Right begins firft to be a Right in the Son. *Poph. Rep.* 113. *Plowd.* 369.

A Son's Remedy.

Privies or Heirs in Eftate and Blood, as he that is Heir to him, to who the Land doth or fhould defcend, are within thefe Statutes, and fhall be barred by the Fine of their Ancestor of that Land: And fo alfo fhall Privies in Eftate, that are not Privies in Blood, as where one hath Land in Burrough-English, and levies a Fine of it, hereby the younger Son is bared. If my Father diffeife my Granfather of an Eftate in Fee, and thereof levy a Fine with Proclamations, and firft my Grandfather, and then my Father die, I am now barred as Privy, for

Privies in Eftate and Blood barred by the Fine of the Ancestor.

Disseisor.



that I cannot otherwise convey my self to the Lands than as Heir to my Father the Conu-  
for. *Dyer. 3.*

Title by ano-  
ther and not  
by the Conu-  
for.

But one that makes his Title as Heir by another and not by him that levied the Fine, may not be barred. *1 Cro. 377.*

Privy in Blood  
and not in  
Estate.

Also he that is privy in Blood only, and not in Estate also, is not within these Statutes; nei-  
ther shall he be barred by the Fine. As if Lands be given to a Man and the Heirs Female of his Body, and he hath a Son and a Daughter, and the Son levy a Fine and die without Issue, this is no Bar to the Daughter; for though she be Heir to his Blood, yet she is no Heir to the Estate, nor hath she need to make her Convey-  
ance to it by him; but if the Father had levi-  
ed, it would have been otherwise. *Trin. 21 Jac. C. B. Godfrey's Case.*

If husband and Wife, Tenants in special Tail, have Issue and the Wife die, and the Husband marry another Wife and have Issue, and levy a Fine *sur Cognizance de droit come ceo, &c.* and by the same Fine take an Estate in special Tail, the Remainder over, &c. and die: In this Case the Issue by the first Wife is barred; for that he is privy in Blood notwithstanding the Continuance of Possession in the Husband. *Dyer 354.*

So if Lands be given to Husband and Wife in special Tail, the Remainder to the right Heirs of the Husband in Fee, and he alone levieth a Fine with Proclamations of it: By this the Issue in Tail may be barred; for he cannot otherwise convey himself to the Tail and Descent in, than as Heir of the Body of Father and Mother. *Dyer. 3. 251. Bro. Fines 109.*

*Estran.*

*Estrangers barred and who.*

**S**UCH Estrangers as are to be concluded by a Fine, are all Persons whatsoever, that either have present Right and no Impediment, who are barred by five Years after Proclamations, if they make not their Claim within that Time, and so as well Tenant for Years, Tenant by Statute-Merchant and Staple, Copyholders and Customary Holders, as Tenant of Freehold and Inheritance, if they be out of Possession or Seisin at the Time of the Fine levied, are barred; for a Fine levied by a Stranger (by the Common Law) cannot bar him that is in Possession. 2 Co. Inst. 517.

Persons having present Right without Impediments.

Or they are such as have present Right, and have Impediments, as Infants, Persons in Prison, *Non sana Memoria*, &c. And these are barred if they make not their Claim, &c. within five Years after the Impediment removed; And if after Proclamation their Impediments be wholly removed, and afterwards they fall into the like again and die, their Heirs shall not have five Years Claim anew; but the first Years begun immediately after the first Removal shall run on to five Years. Plowd. 375.

Persons having present Right with Impediments.

Or they are such as have no present but future Right upon Cause precedent; and then such Strangers to Fines being void of Impediments, whose Right or Title comes or descended to them after the Proclamations, have five Years after the coming of such Right. 1 R. 3. 7. 4 H. 7. 24. Plowd. 378. a. b. So he in Remainder or Reversion depending upon an Estate of Freehold after the Reversion or Remainder accrue, hath five Years to enter; and if

Persons having future Right and no Impediments.

Future Right  
with Impedi-  
ments.

Persons having  
neither present  
nor future  
Right by Reason of any  
Matter had a-  
fore the Fine.

he die before Entry, his Heir hath only five Years to enter after the Death of the particular Tenant. *Plowd.* 374. *a. b.* But if these have Impediments, they shall have five Years after the Impediment removed. *Plowd.* 364. *a.*

Or they are such as have neither present nor future Right at the Levying of the Fine by Reason of any Matter had afore the Fine, whose Right groweth either intirely after the Proclamations, or partly before, and partly after. And these may enter and claim when they please within the Time of Prescription; as if the Father die seized, his eldest Son being professed in Religion, and the younger Son entred, and is disseised, and a Fine with Proclamations levied, and after the eldest Son is de-raigned, *i. e.* discharged of his Profession or Religion; it seemeth he is bound to no Time, but may claim when he will. *Plowd.* 3. *Stowel's Case.*

*Note,* If a single Woman, being an Estranger to the Fine, having present Right, take an Husband who suffereth the five Years to incur, she is for ever barred. *Plowd.* 366. *a.*

They that have Right of a Reversion or Remainder expectant upon an Estate-tail or for Life, shall have five Years after their Title comes unto them to make their Claim. *2 Co. Inst.* 518.

Corporations.

Civil Bodies and Corporations having an absolute Estate so as to maintain a Writ of Right, as Mayor and Commonalty, Dean and Chapter, &c. are barred presently as Privies, and within five Years as Strangers; as if one disseize such a Corporation of Land belonging to it, and after levy a Fine of it with Proclamations, and they claim not, &c. within the five Years, they are barred. *Plowd.* 537, 538.

But

But in such Case of a Fine levied by a Disfeisor or other, every Successor or Successors, Head of the Corporation, shall have a new five Years to make their Claim. *Plowd.* 539.

Every Successor  
new five Years

So every Officer that hath Land appertaining to his Office, as Parker, Forester, Keeper of a Gaol, &c. will be barred by Non-claim after a Fine levied by a Disfeisor, and after five Years past after the Proclamations: But the Successor shall not be bound, if he also shall not suffer five Years to pass in his Time. So that these and Corporations are by their Laches barred only for their own Time. *Plowd.* 537.

Deans, Bishops, Masters of Hospitals Parsons, Vicars, Prebendaries, &c. which may not have a Writ of Right, are not barred by five Years; for they are restrained by divers Statutes to levy a Fine to conclude their Successors of such Land, as they hold in Right of their Churches, Houses, &c. Nor will the Non-claim of such prejudice their Successors. *Plowd.* 138, 375, 378, 538. a. And it is a Rule, That such Persons as may not have a Writ of Right, but either a *Juris utrum*, or *sine assensu Capituli*, are not barred by such Fines, if the Patron and Ordinary join not with them. *F. N. B.* 118.

Spiritual Persons.

By the ancient Common Law, he that had Right was to make his Claim, &c. within the Year and a Day of the Fine levied and the Execution thereof, or he was barred for ever; but this Bar is gone. And if such a Fine without Proclamations be now levied, he that hath Right may make his Claim or Entry, &c. at any Time to prevent the Bar. *Co. Lit.* 254, 262.

The Time of  
Claim from  
the whole as  
to Strangers.



*The Time of Claim.*

**A** Lessee for Years shall have five Years from the Commencement of his Lease to claim. 2 Cro. 60. He that hath two Titles shall have two five Years to make his Claim. *Jenk. Cent. 6. Case 45.* Five Years are given after a Remainder doth fail, and five Years after the Forfeiture of Tenant for Life, and five Years for a Woman to claim her Dower after her Husband's Death. *Plowd. 374. Dy. 3. 19 H. 8. 7.* An Infant shall have five Years after he comes to his full Age, although he was in his Mother's Womb at the Time of the Fine levied. *Plowd. 539.* Madmen, &c. have five Years after Cure of the Maladies, although the Infirmary happen after the Fine levied, and before the last Proclamation. *Plowd. 339, 367, 375, 377. Dy. 3.* Estrangers out of the Realm at the Time of the Fine levied, shall have five Years after their Return; so also if they were in *England* at the Fine levied, and within the five Years be sent in the King's Service and by his Commandment. *Plowd. 366.* If the Party be beyond Sea at the Time of the Fine levied, and never return but die there, the Heir shall not be barred at all. *Sir Tho. Cotton's Case, 20 Eliz.* If he be in *Ireland* or *Scotland*, he shall be said to be out of the Realm. 4 H. 7. *Plowd. 367.* They who have divers Defects, have five Years after the last Infirmary removed; but if there be divers Impediments, and once wholly removed, and afterwards they fall into the like again and die, the first five Years begun in the Ancestor's Time shall proceed and be reckoned to the Heir, and he shall at the End be bound, as the Ancestor should

should, if he had remained free all the five Years. *Plowd.* 375. *Dyer* 133.

If he that hath Right be beyond Sea at the Time and never return, the Heir is not limited to Time. And so it is of an Infant being Party to the Fine having present Right, if he dieth in his Infancy, his Heir is not limited; And so it is of a Person *Non compos mentis* by the Act of God; or a Man in Prison by the Act of the Law; or a Feme Covert by her own Act if she die so, being no Parties to the Fine. *2 Co. Inst.* 319, 320. *Plowd.* 366.

*Note,* That the Estates to be barred by a Fine, are either Estates by Common Law, or by Custom, as Copyhold. And those either in Fee-simple, Fee-tail, for Life, or for Years. The Estates also of Tenants by *Elegit*, by Statute-Merchant and Staple; and the Estate of a Guardian and Executors that are to hold Lands till Debts and Legacies paid. *5 Co.* 123. *Saffin's Case.* *2 Cro.* 60. *Golds.* 171.

Of the Estate to be barred.

The Things whereunto these Statutes do extend are Lands and Tenements only, and not Rents or other Profits aprender out of the Land; and therefore if a Fine be levied of a Rent or Common of Pasture, and he that hath Right doth not make his Claim; this is no Bar. *2 Cro.* 61. So if I have Estovers but of the Land, or a Way over the Land, and the like. *Plowd.* 378. *5 Co.* 124. *Bro. Fines.* 123.

To what Things the Statutes extend.

If Lessee for Years, or Tenant by Statute or *Elegit* be ousted, and a Fine with Proclamations levied, and five Years past, they are all barred. *Plowd.* 374.

Lessee, &c. how barred.

If one make a Lease for Years to begin after the end of another Term of Years then in being; The first Lease for Years ends; the second Lessee

see doth not enter, but suffer him in Reversion to enter, and he makes a Feoffment, and levies a Fine with Proclamations, and the five Years pass; in this Case this Interest by the second Lease is barred. 5 Co. 123. 2 Cro. 60. See 1 Cro. 77.

Lessor and Lessee.

If Lessee for Years be ousted, and by it the Lessor disseised, the Disseisor levy a Fine, and five Years pass with Proclamations without Claim: In this Case the Lessor and Lessee both are barred. 2 Cro. 60. 3 Co. 77. *Fermor's Case*.

Copyholder and Lord.

If one enter upon and put out a Copyholder in Fee of Land, and levy a Fine thereof, and the Copyholder suffer five Years to pass without Claim, &c. the Copyholder and the Lord both are hereby barred for ever. And yet if a Copyhold Estate be granted to one for Life, the Remainder to another for Life, and the first Copyholder taketh a Bargain and Sale of the Freehold from the Lord, and then levies a Fine with Proclamations and five Years pass, by this the Copyhold Estate in Remainder is not barred. *Brownl.* 2 Part 153.

Lessor, Lessee.

And if a Lease be made for Years, and the Lessor or another, before the Entry of the Lessee levy a Fine with Proclamations, and the Lessee doth not make his Claim within five Years, by this the Lessee is barred of his Interest forever. 5 Co. 124. 9. 106. *Golsb.* 117. And the Right of a Term will be barred by a Fine, if the Lessee were or might have ever been in Possession before the Fine levied. *Hill.* 43 *Elizabeth.* *Coot* and *Atkinson's Case*. But if *A.* be Copyholder for Life, the Remainder for Life, the Lord bargain and sell, and levy a Fine to *B.* this descendeth to *C.* who levies a Fine, five Years pass without Claim of him in Remainder, this is no Bar: Adjudged, 3 Co. 104. *Podger's Case*,  
Con-

Copyholder.

Concerning the Fines of Husband and Wife.

**I**F the Wife be within Age, and she and her Husband levy a Fine of her Land, they may by Writ of Error reverse it, and it shall be reversed as to both of them. *Leon. 115, 317.*

Wife within Age.

A Woman that has an Husband, ought not to be admitted alone without her Husband in any Case to levy a Fine: But if without her Husband she be admitted to levy a Fine of her own Lands, wherein she hath Fee-simple, the Husband may avoid it by Entry or otherwise during her Life, (or if he be Tenant by Curtesy, he may do it after her Death) but if he do not, it is a good Fine, and will bind her and her Heirs for ever.

Wife levies a Fine of her own Land without her Husband.

Except she be an Infant at the Time of the Fine levied, and her Husband happen to die during her Minority; for in this Case (if it be not a Fine *sur Grant et Render* to her in Tail or for Life) she may avoid it during her Minority: And yet if in this Case the Coverture do continue till her full Age, she may not avoid it unless her Husband join with her in it.

Exception.

But the Husband and Wife together either to dispose of her own Land, or to bar her of any Jointure or Dower upon her Husband's Land, may and ought to be received to levy any Fine, as any other Man or Woman may do. *12 Co. 122. 7. 8. 27 Aff. 51. Co. Inst. 3 Part, 515. Hughs Rep. 940.*

Husband and Wife together.

If the Husband without the Wife levy a Fine of the Wife's Lands, she and her Heirs may avoid it after his Death; but if she do not make her

Husband levies a Fine of the Wife's Land without her.



her Claim, &c. within five Years after her Husband's Death, then she is barred of her Right for ever, notwithstanding the Statute 32 H. 8. and so are her Heirs barred for ever, as is said there. *Dy. 72. Plowd. 373. Lit. Sect. 731.*

Husband levies  
a Fine of his  
own Lands and  
dies, Bar of  
Dower.

If the Husband levy a Fine of his own Land and die, and his Widow having no Impediment doth not make her Claim within five Years after his Death, hereby she is barred of her Dower for ever. 2 Co 93. *Dy. 224. Goldsb. 148. Co. Inst. 3. 216. Leon. 3. 221.*

Bar of Jointure  
but not of  
Dower.

If a Jointure be made to a Woman after the Coverture, and her Husband and she levy a Fine of it, by this she is without Question barred of her Jointure in the Land; but it is thought that this will be no Bar to her of her Dower in the Residue of the Land of the Husband, and especially where that the Fine is *Sur Cognizance de droit come ceo*, &c. *Dyer 358.* For that the Election to have Jointure or Dower is not given to her till her Husband's Death. *Leon. 285.*

Wife saved, and  
Issue barred.

The Husband and Wife Tenants in special Tail, the Husband alone doth levy a Fine and die, the Wife may enter, but the Issue is barred. *Moore Rep. 28. Case 90.*

Wife not exa-  
mined, Issue  
not barred.

If Husband and Wife Tenants in special Tail, and they levy a Fine at Common Law, and take back an Estate to them and their Heirs, by this the Estate-tail is not barred, for here she is not examined, and yet against a Fine levied by her self she shall not be remitted, for in this Case she is examined. *Lit. sect. 670.* She is not examined but when a Right is to pass from her. See before.

Two Husbands  
and levies a  
Fine with the  
second.

If a Woman during her first Husband's Life marry a second, and with him, and by his Name acknowledge a Fine, it shall not bind her because she is misnamed. 7 H. 4. 22, 23. *Vide ante.*  
And

And if she levy a Fine with her Right Husband by a wrong Christian Name, she is bound by Estoppel during her Life, and the Tenant may plead that she by such a Name levied the Fine. 1 Aff. pl 11. Brook Fines. 117.

With the first  
by Wrong  
Name barred  
by Estoppel.

If a Husband make a Feoffment of the Land of his Wife upon a Condition which is broken, the Feoffee levies a Fine, the Husband dieth in the fourth Year after the Proclamations, having Issue by his Wife, and after the Wife dies, and five Years pass, the Heir is barr'd to enter as Heir to his Father upon the Condition, but he shall have five Years after the Death of his Father, as Heir to his Mother for her Right, *Quando duo jura in una Persona concurrunt æquum est ac si essent in diversis.* Plowd, 397.

Two five Years.

How the first and second saving of the Act shall be construed. See Plowd. 370. 3 Co. 86, 91. Plowd. 374.

No Fine, or other Act of the Husband's only, of or upon any the Lands that are the Inheritance or Freehold of his Wife, during the Coverture between them, shall hurt the Wife, but that she or her Heirs, or such as shall have right to the Land may avoid it; but the Fine of the Husband and Wife together of her Lands, is good, and shall bind her and her Heirs. 37 H. 8, cap. 28.

How the Act  
of the Husband  
shall bind the  
Wife.

She that hath an Estate of the Land that was her Husband's or any of his Ancestors assured to her for Jointure, Dower, or Intail by her Husband, or any of his Ancestors, may not levy a Fine of this Land to grant a greater Estate thereby than for her own Life; if she do, this will make a present Forfeiture by Stat. 11 H. 7. cap. 20. And if such a Woman accept of a Fine *sur Cognizance de droit come ceo*, &c. and by the same Fine render back the Land to the

Forfeiture by  
the Feme of  
Jointure, Dow-  
er, &c.

Cog-

Cognizor for 100 Years; this is within this Statute a Forfeiture; so if a Woman that hath Title of Dower, will before she be endowed, enter and levy a Fine, this will be within the Statute, and a Forfeiture of her Estate by 12 H. 7. 2 Cro. 689. Leon. 106. But a Lease for 21 Years by such a Woman Tenant in Tail, by her Husband's Gift, &c. albeit it be not warranted by 32 H. 8. yet it seems this is no Forfeiture within 11 H. 7. 2 Cro. 689.

*Fines by Tenant for Life, &c.*

The Freehold  
must be in one  
of the Parties.

**I**F either the Cognizor or Cognizee at the Time of the Fine levied be seised of an Estate of Freehold, in Fee-simple, Fee-tail, or for Life, in Possession, Reversion or Remainder, whether the same be by Right or Wrong, the Fine will be a good Fine as to Point of Estate; and therefore if one that is seised of Land in Fee-simple or Fee-tail, general or special, levy a Fine of this Land to a Stranger this is a good Fine; but if neither of the Parties have any Thing in the Land passed, the Fine in many Cases will be void and useless, and it may be avoided by this Plea, viz. That neither of the Parties had any Thing to do with the Land. 41 E. 3. 14. 22 H. 6. 43. 3 H. 7. 9. 27 H. 8. 4.

*Partes Finis  
nihil habue-  
runt, &c.*

Forfeiture.

If a Fine be levied by or to a Tenant for Life of the Land he doth so hold, this Fine will be as good as to the Estate of the Parties to the Fine; but he must take heed of a Forfeiture in this Case. For if a Tenant for Life levy a Fine *sur Cognizance de droit come ceo*, &c. to a Stranger, or levy a Fine *sur Grant & Release* to a Stranger, to hold to the Cognizee for longer Time than for the Life of the Te-

nant for Life; in this Case albeit the Fine be a good Fine, yet this is a Forfeiture of the Estate of the Tenant for Life, whereof he in Reversion or Remainder may make present Advantage, and enter. But if such a Tenant for Life levy a Fine *sur Grant & Release*, to hold to the Cognizee for the Life of Tenant for Life, or grant his Estate by such a Fine to him in Reversion or Remainder, or by Fine grant a Rent out of the Land for longer Time than for his own Life, this Fine is good, and there will be no Forfeiture of the Estate of Tenant for Life by it; So likewise if such a Fine be levied by Tenant for Life to a Stranger, who doth thereby acknowledge all his Right to be in the Tenant for Life, and release, and quit claim to him and his Heirs, and go no further; this is a good Fine, and no Forfeiture of the Estate of the Tenant for Life, for his Estate is not changed thereby, and it may enure to him in Reversion. But if the Stranger say farther in the Fine *Come ceo que il ad de son done*, this is a forfeiture. 27 E. 1. 1. 44 E. 3. 36. 1 H. 7. 5. The same Law is of such Fines for Tenant in Tail after Possibility, &c. and Tenant by the Courtesie. 39. E. 3. 16. And yet such a Fine of Rent out of the Land is no Forfeiture.

1 Leon 51.  
Forfeiture.

Estate not  
changed.

Forfeiture.

Rent;

A Tenant for Life, in Tail after Possibility, &c. or in Dower, may not by Fine grant and surrender his Estate to him in Reversion, but he may grant and release it by a Fine. 17 E. 3. 62. 24 E. 3. 26.

Grant and Surrender.

That if neither the Cognizor nor Cognizee be seised of any Estate in Freehold, in Possession or Reversion of the Land whereof the Fine is levied, at the Time of levying thereof, but have only a lease for years, or not so much; in this Case the Fine will be of no force as to any

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Stranger,



Estoppel.

No Frank Tenement.

Disseisee levies to a Stranger.

*Partes Finis nihil habuerunt.*

Disseisor hath Fee-simple by wrong.

Stranger; however it may be good between the Parties themselves to conclude them by way of Estoppel; and therefore if the Lessee for years levies a Fine *sur Cognizance de droit come ceo*, this will not be a good Fine, because he hath no Frank Tenement in him. *Jenk. Cent. 6. Case 45.*

If a Lessee for years, or a Disseisee, or one that hath a Right only to a Reversion or Remainder, levy a Fine to a Stranger that hath nothing in the Land, this Fine will be void, or at least voidable as for or to any Stranger to the Fine; and he that hath cause to except against it, may shew that the Freehold Estate and Seisin of the Land was in another before, and at the Time of the Fine levied, and that *Partes Finis nihil habuerunt tempore levationis Finis*, and by this avoid the Fine; and yet a Disseisor may levy a Fine to a Stranger that hath nothing in the Land, and this will be a good Fine, for he hath the Fee-simple by wrong in him; and if the Disseisee suffer five years to Pass without Claim, the Disseisee is barr'd. *Plow. 353. 6 Co. 105. 3 Co. 87.*

### *Bar by Estoppel, and how.*

Estoppel, what.

**T**HIS Fine is sometimes a Bar by way of Estoppel only: It is called an Estoppel where one is concluded and forbidden in Law to speak against his own Act, (albeit it be the Truth he would speak) whereby his Mouth is stopt, and his Hands are bound, that now he cannot say or do that which otherwise he might have said or done; and this may be done by Matter of Record, or by Matter in a Deed, or by Fact in the Country. For this see *2 Co. 4. Plow.*

Plow. 397, 431. Fitz. N. B. 97. 3 Co. 3. 19. 4 Co. Hind's Case. 4 Co. 53, 71. Plow 434. 21 H. 7. 24. 2 Co. 55. Moor 896, Case. 869.

That where a Feoffment will work an Estoppel, there a Fine (which is a Feoffment upon Record) will much more work an Estoppel.

That Estopples do always descend upon the Heir General, and upon the Heir at Common Law, and none others; and the Daughter which comes in by a *Possessio Fratris* shall escape an Estoppel of the Father. *Hob. 31. Co. Inst. 1. 353.*

How Estopples descend.

In every Estoppel Privy is required, for it ought to be reciprocal. *viz.* to bind both Parties; and therefore regularly a Stranger shall never take an Advantage of, nor be bound by an Estoppel, but Privies in Blood, as the Heir; Privies in Estate, as the Feoffee, Lessee, &c. Privies in Law, as the Lord by Escheat, Tenant by the Courtesie, in Dower, the Incumbent of a Benefice, and others that come under by Act of Law, or in the *Post*, shall be bound and take Advantage of Estopples. *Co. 1. Inst. 353. See 2 Co. 58. 30 H. 6. 2 Co. 4. 53. Godb. 147.*

And who shall be bound by it.

### Bar by Discontinuance.

THIS Fine doth sometimes work a Discontinuance of Land, and the Possession of it.

That is called a Discontinuance, where one that is present Owner of the Land doth grant some larger or greater Estate than he hath, (and thereby doth devest and interrupt the Inheritance or Estate which should or ought to have come to another) and then dieth, and another

Discontinuance what.

hath Right to have them, but he cannot enter by reason of such Alienation. And there is a Discontinuance in Fact, which is where there is a Transmutation of Possession; and in Law, as by Cognizance of Right by Fine; by which, notwithstanding that the Cognizor continue the Possession, yet the other is Tenant in Law, and the right of the Estate, or of the Tail is discontinued or dissolved. *Lit. 134. sect. 192. Lit. 140. Co. Lit. 325.*

Fines by Tenant in Tail are Discontinuances.

That all Fines and Recoveries suffered by Tenant in Tail, to bar the Estate-Tail, are Discontinuances, in which there is no Remedy but in Case where the Reversion is in the King. *10 Co. 96. See More 870.*

And note, That where a Feoffment will make a Discontinuance, there a Fine will much more make a Discontinuance.

Where an Estate is not discontinued; there regularly it is not barr'd by a Fine. *3 Cro. 827. Moor 170.*

### *Fine Works by Remitter.*

Remitter, what

**T**HIS Fine doth sometimes work by way of Remitter.

A Remitter is a Man's Restitution to his former Right, or were a Man is come to two Titles of Land, and his latter is defective, and not so good as the former, he is remitted to the former and better Title, &c.

That no Remitter shall be in Case where there is a Fine or Recovery to hinder it, see *Co. Lit. 349.*

When it may be.

But if a Tenant in Tail levy a Fine with Proclamations, and after the same is reversed by Writ of Deceit; in this Case the Issue in Tail is

is remitted, and shall avoid all the Estates made, because the Fine is void between the Parties. 3 Cro. 471. *Cary and Dancy*.

See *Moor Rep. Case 106. Plow. 367. Moor Case 257. Bendl. 30. Hetl. 110.*

This Fine doth also sometimes work by way of Extinguishment of Rent, &c. reserved: For this see *Moor Case 249, 595 Hob. 3. 3 Co. 51. 9. Co. 141. 1 Bul. 45. 2 Cro. 699. Dyer 213.*

This Fine doth sometimes also work to make a Forfeiture, as is before observed.

No Fine shall bar any Estate in Possession, Remainder or Reversion, which is not divested and put to a Right at the Time of the Fine levied; and therefore if one levy a Fine of my Lands, whilst I am in Possession, this will not hurt me. 5 Co. 124. 9. 106.

And yet, if Tenant in Tail be disseised, or make a Feoffment in Fee, and after levy a Fine with Proclamations to the Disseisor or to a Stranger, by this the Issue in Tail are barred for ever. 3 Co. 90.

If I have Fee-Simple and be disseised, and the Disseisor doth levy a Fine with Proclamations, and I do not levy within five years, by this I and my Heirs are barred for ever of the Land, 6 Co. 105. 3. 85. Co. Lit. 198. But the Heirs of such as have impediments, shall not be barred by Fine levied by Disseisor. *Jenk. Cent. 4. Case 97. See 21 Jac. cap. 16. See Plow. 366. See Poph. 65.*

If an Infant Disseisor make a Feoffment, and the Feoffee levy a Fine with Proclamations, and five years pass; in this Case the Disseisee is barred for ever. But the Infant shall have five years after his full Age to avoid the Fine; and if he enter, yet the Bar against the Disseisee doth continue. *Moor Rep. 251, 399.*

Extinguishment.

Forfeiture. Estate in Possession put to a Right.

Fine to Disseisor by Disseisee.

Fines by Disseisor to a Stranger.

Heirs of such as have Impediments.

Infant Disseisor.



Feoffment by  
Tenant for life,  
Feoffee levieth  
a Fine.

If Tenant for Life make a Feoffment in Fee, and the Feoffee levieth a Fine with Proclamations, and he in Reversion or Remainder do not make his Claim, &c. within five years at least after the Death of Tenant for Life, hereby he is barred for ever. *Plowd. in Stowel's Case.*

Fine by Disseisor to a Stranger.

If a Disseisor levy a Fine to a Stranger, the Disseisor shall hold the Land in this Case for ever. For the Disseisor may not claim the Land against his own Fine, and the Comsee may not enter; for the Right doth not pass, but by the Fine the Right is extinct, whereof the Disseisor may take Advantage. 2. Co. 55, 79. But see the contrary. *March Rep. 105. pl. 180.* That it shall enure merely by way of Estoppel, and therefore not bind a Stranger,

Disseisor of a Disseisor.

If a Disseisor be disseised, and a second Disseisor levy a Fine, in this Case, if the first Disseisor enter within the year, this by the Common Law had preserved the Right of the Disseisor; so that in this Case, the Right of one that might have claimed and did not, was preserved. 2 Co. Inst. 518.

Disseisin is an unlawful dispossessing of a Man of his Land, Tenement or other immoveable or incorporeal Right.

Disseisin is by Force, or without force.

Where it is lawful and where not, see *Bract. li. 4. c. 4. Britton 42, 43, 44.*

How many ways it is committed, see *Fleta li. 4. c. 1.*

In some Cases an Estate-Tail may now be barred, that was not formerly barred; and in some Cases it may not be barred, that formerly might have been barred. *Co. Lit. 372.*

If the Tenant in Tail levy a Fine of the Land entailed with Proclamations according to the Statutes, although this is no Bar to him in Reversion

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version or Remainder claiming in Time; yet it is a Bar to the Estate-Tail, and to all others that have Right, (that are not holpen by the Impediments named in the Statute) not claiming within five years. *Co. Lit.* 372.

And it is a Rule, That wheresoever the Issue in Tail doth claim by the same Title, and must make his Conveyance to the Lands by him that levied the Fine, there the Fine will bar him. *9 Co.* 138. *Dyer* 3. 354.

That although the Fine be a double Fine with a Grant and Render; yet if the Grant and Render be of the Land it self, and not of any Profit appender out of it, it is a Bar. *Co. Lit.* 153.

That although the Tenant in Tail die before the Proclamations finished, yet this being done, albeit it be after his death, the Issues are thereby concluded. *3 Co.* 86.

That albeit the Issue in Tail be within Age, out of the Realm, under Coverture, *Non compos Mentis*, or in Prison, at the Time of the Fine levied, and the Proclamations passed, yet he is barred. *3 Co.* 84.

That the Statutes, as to this, do extend to Fines levied by the Tenant in Tail by Conclusion; and the Issue will be bound by the Fine of the Ancestor, unto whom he is privy in Estate and Blood, albeit *Partes Finis nihil habuerunt*, &c. *Jenk. Cent. Case.*

That albeit the Estate, passed by the Fine, be afterwards (before all the Proclamations had) avoided, yet the Issue in Tail is barred by it. *3 Co.* 91.

This is a Bar to the Estate-Tail and to the Issues only, but is no Bar to him in Remainder or Reversion; and therefore when the Estate-Tail is spent, this Bar is at an End. *1 Co.* 66. *Co. Lit.* 372

Rule.

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That this will be a Bar to the Issues in Tail of more than one Estate in Tail, if his Ancestor had more than one Estate-Tail in him. *Co. Lit.* 372. As if it be Tenant in Tail, the Remainder to him in Tail: *Et sic de similibus.*

As to the 1.

See more for these: *Leon. Rep.* 208, 268. *Moor* 747. 3 *Co.* 90, 98. *Moor* 399, 146, 147. *Dyer* 332. *Moor* 252. 253. 1 *Cro.* 111. *Moor* 628. *Leon.* 297. 1 *Co.* 96. 1 *Cro.* 314. 2 *Cro.* 40. *Jenk. Cent.* 6. c. 46. *Plowd.* 435, 436. *Dyer* 213. *Plowd.* 345. 1 *Cow.* 76.

2.

*Plowd.* 435. 2 *Co.* 76. *Co. Lit.* 353. *Dyer* 279. *Co. Inst.* 2d. 517. *Dy.* 117. 2 *Cro.* 619. 3 *Bulst.* 46, 47.

3.

3 *Co.* 86. 50 *Jenk. Cent.* 4 *Case* 97. *Lit. Bro.* *Case* 144. 2 *Bulst.* 164. *Bendl.* 30.

4.

3 *Co.* 84, 91. 2 *Cro.* 699.

5.

3 *Cro.* 90 *Dyer* 279. *Plowd.* 435. *Dyer* 48. *Plowd.* 434. 10 *Co.* 50 3. 50. 9. 141, 149. *Goldsb.* 107. 3 *Co.* 84. *Jenk. Cent.* 6. c. 96. *Cent.* 8. c. 28. 3 *Co.* 98. *Plowd.* 127.

6.

3 *Co.* 91. *Plowd.* 434, 435.

7.

1 *Co.* 76. *Co. Lit.* 372. 10 *Co.* 96.

8.

*Co. Lit.* 372 3 *Bulst.* 43, 42. *Bulst.* 45. 3 *Co.* 51.

Never seised by force of the Entail.

Rule.

If a Fine be levied in the Ancestor's Life-time by the Heir to the Tail in Possibility, after the Ancestor Tenant in Tail's Death, and he die without Issue in the Life-time of the Ancestor, this will not bar the Heir to the Tail, for he was never seised by Force of the Entail; But if he survive the Ancestor, that the Tail descend upon him, it is otherwise. 1 *Co.* 314.

For the Fine that shall bar (in this Case) the Issue, must be levied by him that had the Estate-Tail once, or to whose Ancestor the Land was entailed, and by whom the Conveyance by Descent



Descent ought to be made. 1 Co. 65. And where he needs not mention (in his Conveyance by Descent) the Ancestor that levied the Fine; there the Fine shall not bar. 1 Co. 314.

If Tenant in Tail be disseised, and the Disseisor levy a Fine with Proclamations, and the Tenant in Tail suffer five Years to pass without Claim, by this Fine he and his Issues are barred for ever. 9 Co. 105.

But it is a Rule, That Tenant in Tail may not alien or charge the Land entailed without Fine or Recovery. *Wing. Max. 413.* **Rule.**

But if Lands be conveyed to a Woman in Tail for her Jointure within the Stat 11 H. 7. 20, and she levy a Fine of them, this will not bar the Issue in Tail. 1 Co. *Inst. 356. 365. Wing. Max. 29, 20.* **Fine levied, a Jointure.**

If the King himself be Tenant in Tail of the Gift of some of his Ancestors as Subjects, he may levy a Fine of this, and bar his Issues; and upon a Grant and Render, he may bar the Estate-Tail, 3 Co. 7. 6. 7. Co. 32. 3 *Leon. 76, 77. Co. Lit. 372.* **King Tenant in Tail.**

And if Tenant in Tail of the Gift of the King levy a Fine or suffer a Common Recovery, albeit this be no Discontinuance, where the Reversion is in the King, yet it seems to be a Bar to the Issue. 3 *Leon. 76, 77.* But yet it is said it is no Bar to the King, nor to the Issues in Tail but all others it will bar; for these Fines are not intended within, but excepted out of 32 H. 8. *cap. 6. Dyer 279. Lit. Bra. Case 144.* **Tenant in Tail of the Gift of the King.**

Nor will Fines bar in cases of Land restrained from Alienation by Act of Parliament. **Land restrained.**

And it is a Rule, That in Case where a Recovery will not bar the Issue in Tail, There a Fine shall not bar them. 1 *Brownl. 138.*

**If**



Remainder to  
the King.

If there be Tenant in Tail the Remainder to the King, and the Tenant in Tail levy a Fine with Proclamations; in this Case the Issue is barred notwithstanding the Statute 34 H. 8. as is conceived. *Moor*, 115. *Case*. 258.

Reversion in  
the Crown

If there be Tenant in Tail of the Crown, the Reversion in the Crown, and the Tenant in Tail is disseised, the Disseisor doth levy a Fine with Proclamations, and five years pass, by this the Tenant in Tail himself is barred, but not the Issue, by 32 H. 8. & 34 H. 8. *Moor* 467. *Case*. 665. See *Cro.* last *pub.* 595.

No Bar but  
where Tenant  
in Tail is Cog-  
nisor.

No Fine levied by Tenant in Tail will bar his Issue, but where the Tenant in Tail is Cognisor. *Dyer* 269. See *first Part*, 118.

Remitter.

The Issue in Tail is perpetually barr'd by the Fine of the Tenant in Tail with Proclamations; notwithstanding that the Discontinuee is disseised by the Father, the Issue may claim within the Time of the Proclamations. And no Remitter shall be after a Fine with Proclamations. *Moor* 114. *Case* 256.

Issue in Tail  
barr'd though  
Tenant in Tail  
be no Cognisor.

A Fine may be a Bar to an Issue in Tail, albeit he be not Tenant in Tail at the Time, if he be but a Person to whom the Land is entailed. 3 *Cro.* 610.

Forfeiture and  
no Bar.

If Tenant for Life, the Remainder in Fee, accept a Fine *come ceo*, &c. This, albeit it be a Forfeiture, yet is no Bar to the Remainder. 9 *Co.* 104.

Where a Fine shall be a Bar as to one Person and not to another, and as to one Part of the Land and not to another. See 9. *Co.* 140, 142, 106. 10 *Co.* 95. *Moor Case* 90, 256, 258. *Leon.* 115, 116. *Moor Rep.* 665.

Ancient De-  
mesne and o-  
ther Lands to-  
gether.

If one levy a Fine of Lands in Ancient Demesne and of other Lands together; this Fine, as to the Ancient Demesne Lands, is no Bar; but

but as to the other, it may. 7 H. 4. 44 F. N. B. 98. 1 Cro. last pub. 469.

But in Cases where Fines are defective for the Disability of the Person of the Conusor, or of his Estate, or because it is not duly levied for the Manner or Order: In such Cases the Fine will be no Bar at all; nor will there be need of any Entry or Claim to avoid it.

Fine defective,  
no Bar.

See more for the Bar of a Fine, 1 Leon. 196. 2 Cro. 689. Bendl. 74, 75, 174, 178, 179. Leon. 110. Jenk. Cent. 4. c. 97. Latch. 64. Moor, Case 679.

If there be a Repugnancy in a Fine, the first Part shall stand, and the last shall be left out. Jenk. Cent. 2 Case 96. Cent. 6. Case 50.

Repugnancy.

The Claim that is now to be made to avoid the Bar of a Fine, must be by Action or Entry. See 3 Cro. 561. See after.

Claim, what.

Of the Use of a Fine.

IF there be a precedent Agreement for the levying of a Fine to Uses, and after a Fine is accordingly had, it shall be to those Uses and none other; and this Agreement shall guide the Uses.

The Uses of a  
Fine.

Uses may be declared or averred on a Fine, but not a Bargain and Sale of Land. And the Use of a Fine may be declared by Word without any Deed; and if there be such a Declaration by Parol made to lead the Use of a Fine, and it be defective to declare the Intent of the Parties; it may afterwards be supplied and made good by subsequent Parols. Style's Reg. 141. Quere. And upon a Covenant of Uses no other Use may be declared or averred, but what is contained in the Deed. 1 Co. 175. Dy. 169. That

Uses by Word  
or Parol.

Subsequent  
Parols.

Use doth follow  
the Ownership.

That upon a Fine every one may declare and dispose the Use of the Land according to the Estate that he hath in it: For the Use doth follow the Ownership of the Land, as the Shadow doth follow the Body. 2 Co. 57.

Uses declared  
by Husband  
and Wife.

Concerning the Declaration of Uses by Husband and Wife, see 2 Co. 57. Dy. 290. Moor Rep. 196. c. 347. 2 Co. 56.

Use declared  
by Infant.

If an Infant or Man *de non sanâ Memoria* shall declare the Use of a Fine levied by him, this Declaration is good so long as the Fine shall continue in Force. 2 Co. 57. Hughes Abridg. pag. 802. cap. 4.

Declaration, by  
Deed indented.

The Declaration of the Uses of a Fine may be either by Deed indented (which is the most usual and safe Way) or by Deed-Poll. 2 Co. 73. 5.

Declaration  
when to be  
made.

This Declaration by Word or Writing may be made before, at, or after the Time of the Levying of a Fine: For an Indenture subsequent may direct and declare the Uses of a Fine precedent; but what Diversity is observed therein. See 2 Co. 69. 6. 27, 63. 7. 40. 9. 8.

Averment of  
Uses.

That no Averment of Uses by Proof of Witnesses shall be admitted against an Use expressed in a Fine: But in Case where no Use is expressed in a Fine, there other Uses than what the Law will make upon the Fine may be averred, and proved to be agreed upon, and the Fine shall be to the Uses. 5 Co. 26. 9. 8. 2. 57. See after.

Uses agreed  
and not agreed.

That where the Uses of a Fine are agreed, there it must go to the Uses agreed upon; but where no Uses are agreed upon, but only that it is agreed a Fine shall be levied, and not said to what Use, or a Fine is levied, there the Law appoints the Use according to Conscience. 2 Co.



37, 38. *Dy. 18. Co. Lit. 271. Moor 472, 473, 842, 843.*

That more Acres of Land do not pass by a Fine than the Fine doth name, albeit the Indenture to lead the Use of it, do speak of more Acres. For the Fine is the Foundation of the Estate, and the Estate riseth out of it. *Jenk. Cent. 6. Case 45.*

No more Acres pass than intended.

If the Conusee of a Fine levied of Land do pay Money to the Conusor of the Fine at the Time of the Fine levied, and there be no Use declared, nor is it set forth to what Use it shall be: In this Case the Law will construe the Fine to be levied of these Lands to the Use of the Conusee to whom the Fine is levied.

Money paid, Use to the Conusee.

But if there be no Money paid by the Cognisee, nor any Use declared, it shall be to the Use of the Cognisor who levied the Fine: For nothing appears whereby it can be supposed that the Parties had any Intention the Estate in the Lands should be altered by the Fine; but that the Fine was levied in Corroboration of the Title of the Cognisor. *Bendl.*

No Money paid, Use of the Cognisor.

134, 135. *Style's Pract. Reg. 147.*

That the Uses of a Fine may be levied within the Fine it self without any Indenture. *Hutt. 112.*

Use levies in the Fine it self.

That a Use may be averred without a Deed upon a Fine *sur Render*; for the Deed is but to shew the Intent of the Parties, which may appear as well without as by Deed. *Poph. 105.*

Use averred without Deed.

That a general Covenant shall direct the special Uses of a Fine, and the special Operation thereof, according to the Intent of the Parties. *1 Bulst. 256.*

General Covenant.

The Render of a Fine may not be alledged to any other Use than what is expressed upon the Fine without a Writing to shew for it. *Poph. 104, 105. 3 Bulst. 318, 319. A Bar*

Render to no other Use, &c.



Several Assurances, one Conveyance.

A Bargain and Sale, Fine and Recovery made at several Times to one Purpose, shall be esteemed but as one Conveyance. *Bendl. Rep. 101.*

*Where a Fine may be avoided, and how.*

A Fine may be avoided for good Cause in many Cases: as,

1. By the Death of all or some of the Parties before it be finished.
2. By some Error escaped in the suing of it out, and Prosecution of it.
3. By some Fraud, Deceit or Covin, that hath been used in it.

And so it is sometimes avoidable by a Writ of Deceit; sometimes by a Writ of Error; and sometimes by Pleading only.

Fine avoided by Death.

King's Silver paid and entered.

If either of the Parties Cognizors die after the Cognizance or Concord, and before the King's Silver be entered, this will avoid the Fine, and it cannot be made good: But if the King's Silver be entered in Paper or upon the Back of the Writ of Covenant (as the Use is) and the Party die after this; the Fine by this shall not be avoided, but may be finished. See *1 Cro. last pub. 469. Dy. 220, 246, 320. 5 Co. 39. Co. Lit. 9. Co. Inst. 3, 511. First Part 124* See more, *Dyer 89. Hob. 330, 403, 404.*

Writ of Covenant and *Dedimus Potestatem* antedated.

Where the Cognisor dies after the Cognizance made, the Writ of Covenant and *Dedimus Potestatem* being antedated, and the King's Silver paid, the Fine will be a good Fine. *Jenk. Cent. 4 c. 28. 7 c. 3.*

Demise of the King.

It is held also, that if a Judge take the Cognizance of a Fine, and before it be certified, the King demise, and the Judge have Notice of this; that now the Fine cannot be certified, for his

Patent

Patent is at an End: And there seems to be the same Reason for Commissioners to take a Cognizance by *Dedimus potestatem*. *Jenk. Cent. 4. c. 28.*

Note, that were any Fine is levied, it shall be said to be all that Term, wherein it is levied, *in pectore Judicis*, to amend it for Error, as the Judges see Cause. *Latch. Rep. 280.*

Fine in pectore  
judicis.

*Fine avoided by Error.*

**N**O Error, but such as is notorius, shall avoid a Fine; for in this the Rule is, *Consensus tollit Errorem*. An Infant may avoid a Fine by a Writ of Error during his Minority, but not afterwards. *2 Co. 230. Dyer 201.*

Notorius Error.

If there want an Original, or if there be a Writ, and that doth bear *Teste* after the *Dedimus Potestatem*, or the *Dedimus Potestatem* be to two, and one alone taketh it; this, it is said, is Error, for which the Fine may be reversed; but for the *Teste* of the Writ of Covenant after the *Dedimus potestatem*, this is amendable. *Latch. Rep. 186.*

Original wanting.

But no Error may be alledged to reverse a Fine, where the Error is contrary to the Record or Certificate of the Justices; as to say, The Commissioner was not a Knight, when the *Dedimus potestatem* saith he was. *Jenk. Cent. 6. c. 53. Dy. 89. 2 Cro. 11. Telv. 33. Hugh. 940. Case 9. 646. 16, 17, 18.*

No Error contrary to the Record.

One may bar himself of this Writ of Error, by a Feoffment of the Land, or a Release of his Right to the Land, or by a Recovery, or by a Fine or five Years past. *1 Cro. last pub. 69. 2 Co. 77. 1. 77. 2 Co. Inst. 518. 2 Cro. 332. 2 Leon. 263.*

Error barred and how.

And

And by making of a Lease for Yearts, he may suspend it. *Owen Rep.* 21. *Style's Rep.* 246, 252. 1 *Cro. last pub.* 469. *Golsb.* 181.

Lands in divers Counties.

If the Lands lie in divers Counties, and there be not several Writs of Covenant for every County, this will be Error. *Dy.* 225. 15 *Ed.* 4. 13.

Repugnancy. Error in proceed of Proclamations.

Note, for Repugnancy, see 5 *Co. Tey's Case*. Where Error is in the Proceed of the Proclamations only; there they only shall be reversed, and the Rest of the Fine shall stand good at Common Law. *Hughes* 938. c. 2, 3, 4.

Variance.

The Variance in the Persons in the Render, or of the Estates of Lands, except it be very gross, will not make it void. *Hughes* 939. c. 9. 946. c. 10.

Good Fine.

Where a Fine is good or not, see *Hughes Abridgment of Fines*, par. 1, 2, 3. See *West. Symb.* part 2.

Who is to bring the Writ of Error, see *Leon.* 315, 317. 2 *Cro.* 11, 90, 392. *Dy.* 49, 89, 201, 321. 2 *Leon.* 139. *Owen* 21.

Error in a Fine may not be alledged contrary to the Record it self. *Telv.* 34. See before.

### Fraud, Deceit and Covin.

**F**ine avoided by Reason of Fraud, Deceit or Covin.

Notorious Fraud.

If a Fine be gotten or obtained by any notorious Fraud or Practice; it may in some Cases be avoided by a *Vacat.* See 1 *Cro. last pub.* 518, 531. 471. *Moor* c. 21. *Plowd.* 370.

By Lessee or Cocyholder.

If a Lessee for Life or Years, or a Copyholder, levy a Fine of Covin of Purpose to bar him in Reversion, or the Lord of his Inheritance; this may be avoided for Fraud. 9 *Co.* 105. 3 *Co.* 78.

And



And as a fraudulent Deed or Conveyance may be avoided for Fraud, so a Fine may be avoided.

So also it seems the Law is of a Fine suffer'd in Pursuit of an usurious Contract. 3 Co. 18, 80. 16 H. 7. 5. *Jenk. Cent.* 6. c. 45. *Stat.* 13 *El.* § 27. *Eliz.* 3 Co. 45. *Style* 288.

Usurious Contract.

A Fine levied to deceive a Purchaser or Creditor may be void, or be voidable. See 3 Co. 79.

To deceive a Purchaser.

But if one shall pretend Title to Land, and enter and disseise the Tenant, and after levy a Fine with Intent to bar the Disseisee; this is good. And if the Disseisee shall not enter or claim within the five Years, he is barred. 3 Co. 79.

Pretence of Title.

If there be Tenant for Life, the Remainder for Life, the Remainder in Fee; and the first Tenant for Life alien, and the Alienee levy a Fine with Proclamations, and the second Tenant for Life claim, &c. This doth make void the Fine, not only against him, but against him in Remainder also.

How to be avoided by Claim.

And it is a Rule, That any one that hath an Estate in Possession or Reversion, which will be barred by the Fine when 'tis levied, may make a Claim or Entry to prevent the Bar of the Fine.

Rule.

And by Authority also any other Man may make a Claim, Entry, &c. in this Case, for him that hath Right. See *Moor* 457.

Claim, &c. by Authority.

The Avoiding of a Fine by one defeats it against all, altho' their Right were bound before by their Non-claim, which sets at large all other Rights above them. 16 *Ed.* 2. *Plowd.* 358. *Stowel's Case.*

All Rights set at large.



Deceit by one  
of the same  
Name.

Fine levied by one of the same Name of the other's Lands, may be avoided by Deceit or Pleading. 34 H. 6. 19. Lit. Bro. c. 215.

### Pleas to a Fine.

*per Dures.*

**T**HE Plea of *per Dures*, or Imprisonment, will not, it is said, be admitted. 17 E. 3, 52. 17. Aff. 17.

*Partes Finis nihil habuerunt.*

The Plea, *Partes Finis nihil habuerunt tempore levationis Finis*, is given only to Estrangers to the Fine; but from Parties and Privies it is taken away. Where this Plea is good or not, see Hughes 940. and Moor 251. The Issue in Tail may not have this Plea, unless to avoid a Fine *sur Release* only. 3 Co. 141. Dyer 534.

Continuance  
of Possession.

Issue in Tail may aver Continuance of Possession against a Fine, *sur Cognizance de droit tantum*, or Surrender: See 12 Ed. 4, 12, 15. 11 H. 4. 85. But not against *sur Cognizance de droit come ceo que il ad se son done*.

For Pleas to avoid a Fine. See Owen's Rep. 21. & Stat. 27 Ed. 1. c. 1.

How a Fine is to be pleaded. See Leon. 386, 986. West Symb. 2d. Part. 3 Cro. 903, 917.

If a Fine or Recovery be levied or suffer'd of Covin by a Lessee for Years or Lessee for Life, or a Copyholder, of Purpose and with Intent to bar him in Reversion, or a Lord of his Inheritance; this is of no Force, and therefore Non-claim within five Years shall non hurt in this Case. 3 Co. 78, 8, 105.

Note, That it is Felony without Benefit of Clergy, without Corruption of Blood, or Loss of Dower, to acknowledge, or procure to be acknowledged,

knowned any Fine, Recovery, &c. in the Name of any Person not privy or consenting thereunto: But this not to extend to a Judgment acknowledged by Attorney of Record for another, by 21 Jac. c. 6.

*As to the Execution of a Fine.*

**N**OTE, That a Fine is either executed by Writ of *Habere facias seisinam*, which is a Writ to the Sheriff to put the Cognisee or his Heirs in Possession; and this must be sued forth within a Year after the Fine sued forth, or after Judgment upon a *Scire facias*: Or else he must have a Writ of *Scire facias*, which is to be sued forth after a Year and Day, after the Fine is levied, and thereby the Sheriff is to warn the Tenant to appear and shew Cause, if he can, why the Cognisee or his Heirs should not have Execution: At the Return whereof, if the Tenant appear and can shew no Cause to the contrary, the Plaintiff shall have an *Habere facias seisinam* to the Sheriff, to put him or his Heirs in Possession. Or the Cognisee, where the Fine is *sur Cognissance de droit come ceo que il ad de son done*, may obtain the actual Possession of the Land contained in the Fine by an Entry: For in this Case of a Fine executed, if the Cognisor be still in Possession of the Land whereof the Fine is levied, the Cognisee may without any Writ of *Habere facias seisinam* enter upon him, and so get the Seisin and Possession of the Land. And note, That if a Fine be levied to Husband and Wife in Special Tail, the Remainder to the Heirs of the Body of the Husband, and the Wife dieth without

*Habere Facias seisinam.*

*Scire Facias.*

*Habere Facias seisinam.*

Entry.

Fine executed.

without

without Issue, the Remainder is executed in Possession in the Husband; for the Estate-tail meeteth with the Fee-simple, and it is drowned. 41 Ed. 3, 14. 14 Ed. 3, 5. 7 H. 4, 23. West. Symb. Part. 2.

### Attornment, &c.

Attornment,  
where necessary.

**A**ND note, That a Fine of a Reversion, ought not to be ingrossed until the Tenant for Term of Life attorn; for until Attornment he is punishable of Waste; neither can the Cognisee avow upon him for the Rent behind, before Attornment. 22 H. 6. fol. 13. Plowd. 431.

How to be enforced.  
*Quid juris clamat.*

And the Cognisee may compel such Tenant for Life to attorn by *Quid juris clamat*, a judicial Writ issuing out of the Record of the Fine which lies in the *Custos Brevium's* Hand, and lieth for the Grantee of a Reversion, or Remainder, to force the particular Tenant to attorn.

*Quem redditum reddit.*

Or a *Quem redditum reddit*, a judicial Writ, issuing out of the Note of a Fine, against the Tenant of the Land, to compel him to attorn upon the Grant of a Rent-seck, or Rent-charge, out of the Land.

*Per quæ Servitia.*

Or a *Per quæ Servitia*, a judicial Writ issuing from the Note of a Fine, and lieth for the Cognisor of a Manor, Seignior, Chief Rent, or other Services, to compel him that is Tenant of the Land at the Time of the Note of the Fine levied to attorn unto him. And this must always be sued forth upon the Note of the Fine made by the Chirographer, and before it be ingrossed by him;

for after the Ingrossing it cannot be had. *F. N.*  
*B. fol. 47. a. b.*

These last Things are largely and learned-  
 ly treated of by Mr. *West*, in his second Part  
 of *Symb.* to which, for your further Infor-  
 mation, I refer you.

N 3

THE



THE  
INTRODUCTION  
To, and Definition Of,  
RECOVERIES.

Recovery defined.

Recoveries are } As Common Recoveries,  
either feign'd, } That is, actual by Judgment.  
or  
True;

True Recovery.

A true Recovery is an actual or real Recovery of any Thing, or the Value thereof by Judgment; as if a Man buy Land of another with Warranty, and this Land is afterwards recovered by a third Person; The Buyer hath Remedy against the Seller to recover it in Value; That is, to recover so much Money as the Land is worth. *Fitz. N. B. fol. 134.*

Common Recovery,

But the Common Recovery (which is here purposed to be treated of) is *Fictio Juris*, a feigned formal Thing, by Consent, and is used, where a Man is desirous to cut off an Estate-Tail, &c. in Lands or Tenements, to the End to sell, give, or bequeath it as he thinketh meet, for the Assurance of them that shall after have the Land.

Common Recoveries when first invented.

These Common Recoveries, as also Fines, are said to be first invented when Entails fell out to be inconvenient: For the Opening whereof you may observe, That before the Statutes *de Donis Conditionalibus*, *Westm. 2. c. 1.*  
Feoffices

Peoffees after they had Issue, had Power to alien and disinherit the Issue, contrary to the Mind of the Donors. And by this Statute in *Edward the First's* Time, the Inheritance was made so strong, as that the Tenants in Tail could not put away the Land from the Heir by an Act of Conveyance or Attainder, nor let it, or any way charge or incumber it longer than for his own Life. 13 E. 1. 1.

But from this Statute there arose many Inconveniences, for by this Means the Lands were made so sure to the Heir, as that the Father could not put it from him, and hereupon the Son oftentimes proved disobedient, negligent, wasteful, &c. knowing he could not be disinherited; and many Times the Owners themselves of such entailed Lands were less fearful to commit Felonies, Murders, Manslaughters and Treasons, for that they knew that none of their Acts could hurt the Inheritance of their Heir. From the Inconveniency of Entails.

Again, such as had entailed Lands could make little or no Profit of them; for none would give a Fine of any Value upon such an uncertain Estate, as that of the Owner's Life only, neither would they much improve the Lands for the same Reason, with many other Inconveniencies.

For the Remedy wherof several later Statutes were made, as *4 H. 7. 24. 32 H. 8. 36.* Whereby a Tenant in Tail may disinherit his Son by Fine and Proclamation. *26 H. 8. 13.* Tenant in Tail doth forfeit his Land for Treason; and *32 H. 8.* he may make Leases for 21 Years, or 3 Lives, &c. by *33 H. 8.* entailed Lands are liable by Extent for the King's Debt, and by *13 Eliz. 4.* they are saleable for his Arrearages upon his Account for his Office. Remedy against Entails by several Statutes.

Remedy by  
Common Re-  
coveries.

7 H. 8, 4.

21 H. 8, 15.

Common Re-  
coveries be-  
come the grea-  
test Assurances.

Also for the Remedy of those inconveniencies of entailed Lands, these Common Recoveries were first invented, and Men began to cut off Entails by such Means as they could find Law for it; and now by Use these Recoveries are become common Assurances, against Entails, and against Remainders and Reversions, and are the greatest Assurances that Purchasers have for their Money, being grounded upon the strictest Principles of the Law, tho' by Consent; for a Fine will bar the Heirs in Tail, but not the Remainders or Reversions; but these Recoveries bar them all.  
1 Co. 22, 62.

The End and  
Effect of Com-  
mon Recove-  
ries.

Mr. *West*, in his *Symbol. part 2. sect. 1.* saith, That the End and Effect of a Common Recovery is to discontinue, and destroy Estates, Remainders and Reversions, and to bar the former Owners thereof.

The Form of a  
Common Re-  
covery with  
single Voucher.

They are therefore mostly used for Assurances of Land, in the form whereof the Parties do agree, that one, who is call'd the Demandant, shall bring an Action Real, (as if he had good Right) against the Tenant of the Freehold of the Lands, as though he had no Right of Entry to the same; but after a Disseisin, which \* *Hugh Hunt* had unjustly made to the Demandant, &c. and hereupon the Tenant calls to warrant to him the Lands † *Edmund Clent* (or the Common Vouchee) which Vouchee is supposed to appear in Court, and warrant the Lands to the Tenant (or Defendant) whereupon the Plaintiff or Defendant claims the Lands against the Common Vouchee, who is supposed to appear and defend his Right, and pleads, That *Hugh* did not disseise the Plaintiff or Demandant, as by his Declaration he supposes, and puts himself upon the Country

\* The common  
Name for the  
supposed Dis-  
seisor.

† The common  
Name of the  
common Vou-  
chee.

Plea.



try to try it; whereupon the Demandant prays a Day to imparle, or speak to the Plea, and a Day being given, the Demandant is suppos'd to come again into Court in proper Person, and the Common Vouchee then is supposed to make Default, and withdraw in Contempt of the Court, and thereupon Judgment is given, that the Demandant shall recover in Value against the Common Vouchee, &c. And so by this Device, grounded upon the strict Principles of the Law, the Tenant loseth the Land, and hath nothing for it; but it is by his own Agreement, and for the Assurance of him that buys the Land, &c.

Default.  
Judgment:

And so it is if it be with double or treble Vouchers; as in double, the Tenant calleth to Warranty the first \* Vouchee, who warranteth, and calleth the second or Common Vouchee, who pleads to the Country, and after Imparlance and Return of the Demandant, makes Default, and then Judgment for the Demandant against the Tenant, for the Tenant to recover in Value of the first Vouchee, and the first to recover in Value of the second or Common Vouchee; and it is in the like Manner with treble Voucher, &c. as you may observe in the Pleadings hereafter set down.

\* Note, he is called a Vouchee in respect that he is called by the Tenant; and he is called a Voucher in respect that he calleth over a second Vouchee, &c.

But these Pleadings are grounded upon a Writ, called a *Writ of Entre in le post*, in which, and besides which, there are many Things of Nicety and Exactness, before we come to the Pleadings on the Roll, which observe as followeth.

Observa-



*Observations on Common Recoveries.*

**I**N every Recovery four Things are principally to be observed.

1. The Demandant, who is Plaintiff in the Writ of Entry, and properly called the Recoveror.

2. The Tenant of the Land, who is Defendant to the Writ of Entry, against whom the Land is to be recover'd, and therefore properly called the Recoveree.

3. The Vouchee being the Person whom the Tenant calls to warrant to him the Lands demanded, (as you may observe in the Introduction.)

4. The Land it self, which is to be recovered, and which must be carefully and regularly placed, (as you may observe by the Directions following.)

How the Writ of Entry must be brought.

\* See a Lease and Release at the End of this Book.

If it be by Fine, you make him Cognissee to the Fine, who is to be Tenant in the Recovery, and he must vouch the Tenant in Tail; and in such Case the Writ of Covenant for the Fine must bear Teste, and be returnable before the Writ of Entry,

*Note,* If a Recovery be intended with single Voucher, the *Præcipe* must be brought against the Tenant in Tail in Possession, and he to vouch the Common Vouchee. But if your Recovery be intended with a double Voucher, you must either by Fine, Feoffment, Bargain and Sale inrolled, \* or Lease and Release, make him, (you intend to be) Tenant at the Time of the Writ of Entry brought; for every Writ of Entry must always be brought against him that must be a perfect Tenant of the Freehold of the Land demanded at the Return of the Writ. 18 R. 2. and *Dyer, fol. 252. pl. 98.* because the Estate of the Tenant in Tail (who is the first Vouchee) is barr'd in respect of the supposed Recompence adjudg'd over-against the

the Common Vouchee; for in strict Law the Recompence adjudged over is to go in Succession of the Estate, as the Land lost should have done; and then it were not Reason to allow the Heir Liberty to keep the Land, and also to have a Recompence in Value; therefore he loseth the Land, and is to trust to the Recompence. *Dyer 252. 3 Co. 6. 1 Co. 42.* But in a feigned Recovery the Recompence is but imaginary, and no such Thing really in the Case.

*Note* also, That if a Tenant have but an Estate for Life, or be Tenant in Dower, or by the Curtesy of *England*, it is requisite for the Strengthening of a Recovery, and saving his Estate, that he make conditional Surrender of his Estate to him in the Reversion or Remainder, to the End he may be a present Tenant of the Inheritance, and then to bring the Writ of Entry against him; and after that the Recovery is executed, the particular Tenant, for Breach of the Condition, may enter and enjoy his Term notwithstanding such Surrender. See the Form of the Surrender at the End of this Book.

Surrender to him in Reversion.

The Effect of a Recovery, as is said before in the Preamble, is to bar Entails, and all Remainders and Reversions that should take Place after Entails; and they are most usually suffered either with a single Voucher, double Voucher, or treble Voucher, and sometimes with a quadruple Voucher, as you may observe amongst the Precedents following.

The Use of Vouchers.

The Intent of a Common Recovery with a single Voucher, as is to bar the Tenant and his Heirs of such only Estate-Tail which then is in him, to destroy the Estates which others have of any Reversion expectant, or Remainder dependant

The Intent of a Recovery with single Voucher.

dant upon the same; and of all Leases and Incumbrances derived out of such Reversions or Remainders.

But *note*, where the King is the Giver of an Estate-Tail, and keepeth the Reversion in himself, it is said such Recovery against the Tenant in Tail will not bar the Issue in Tail of his Entry, nor discontinue his Estate, nor pluck such Reversion or Remainder out of his Majesty. 28 H. 8. b. 34 H. 8. cap. 20. *Dyer, fol. 132.*

Intent of Recovery with double Voucher.

By a Recovery with double Voucher, it is intended to bar the first Voucher and his Heirs of every such Estate as at any Time was in him, or any of his Ancestors, whose Heir he is, of such Estate; and all other Persons of such Right to a Reversion or Remainder as was thereupon at any Time expectant or dependant, and of all Leases, Charges and Incumbrances, derived out of any such Reversion or Remainder, and will be also a perpetual Bar of such Estate whereof the Tenant was then seized in Reversion or Remainder, expectant or dependant upon the same.

Intent of Recovery with treble Voucher.

The Intent of a Recovery with a treble Voucher is to make a perpetual Bar of the Estates of the Tenant, and of every such Estate of Inheritances as at any Time had been in the first or second Vouchee, or any of them, or either of their Ancestors, whose Heirs he or they are of such Estate, and as well of every Reversion thereupon dependant; as also of all Leases, Charges and Incumbrances deriv'd out of such Reversion or Remainder.

Observanda.

From the whole observe, That a Recovery with single Voucher, bars only such Estate as the Tenant hath in Possession at the Recovery, and the Dependances thereon; As if Lands be



be given to *A.* in Tail, the Remainder to the right Heirs of *B.* (*B.* being then living) and the Writ of Entry is brought against the Tenant in Tail, and he doth vouch over the Common Vouchee; this is a good Recovery and Bar to the Estate-Tail and Remainder also. 1 Co. 135. 3 Co. 59. But if the Tenant in Tail be not in Possession, or be in of another Estate by Disseisin or Conveyance, &c. As if Tenant in Tail be disseised, and then suffer a Recovery with single Voucher; or the Disseisor make a new Estate to the Tenant in Tail, and then the Tenant in Tail doth suffer a Recovery with single Voucher; or if the Tenant in Tail make a Feoffment in Fee of Land, and then take back a new Estate to himself from the Discontinuee in Tail or in Fee, and then doth suffer a Common Recovery with single Voucher; by this, the Estate in these last Cases is not barred.

But by a Recovery with double Voucher in these Cases the Estate-Tail is barred, and all Interests, Estates and Titles that the Vouchee hath at the Time of the Entry into the Warranty. And therefore as in Cases where the Tenant in Tail doth levy a Fine, make a Feoffment, or bargain and sell the Land by Deed indented and inrolled, and the Writ is brought against the Cognisee, Feoffee, or Bargainee, and he doth vouch the Tenant in Tail, who doth vouch the Common Vouchee; this doth bar the Estate-Tail, and the Remainders and Reversions thereupon. So if in these Cases the Conusee, Feoffee or Bargainee doth make a new Estate to the Conusor, Feoffor or Bargainor, or he disseise the Conusee, Feoffee or Bargainee, and then levy a Fine, make a Feoffment, and bargain and sell to another, against whom the Writ  
of



of Entry is brought, and he vouch the Tenant in Tail, and he vouch the Common Vouchee; by this Recovery the first and second Estate-Tail, and all the Remainders and Reversions depending thereupon are barr'd. 1 Co. 135. 3 Co. 59. 12 E. 4. 19. 10 Co. 45.

*Note*, In that called a single Recovery, you will find two Recoveries included: The first by the Demandant against the Tenant, and the second by the Tenant against the Common Vouchee.

2. In that with a double Voucher you will find three Recoveries included, one for the Demandant against the Tenant. 2d. For the Tenant against the Voucher. The last for that Voucher against the second or common Vouchee.

3. Also in a Recovery with treble Voucher are included four Recoveries. First by the Demandant against the Tenant. 2d. by the Tenant against the first Voucher (otherwise called Vouchee,) the third by the first against the second, and the fourth by the second against the Common Vouchee.

Thus much shall suffice to shew the Ground and Effect of these Common Recoveries. Next we proceed to the Rule for placing Particulars, and suing forth the Writs of Entry.

*Præcipe.*

You must first draw your *Præcipe* in Paper, which is for the Cursitor's Instructions, whereby to make out the Writ of Entry; and in this *Præcipe* the Lands must be exactly set down and plac'd in order according to the Rules following.

*Note*, it is called a *Præcipe quod reddat*, therefore first we will see of what Things a *Præcipe quod reddat*, or Writ of Entry lieth, and of what not.

Of

*Of what Things a Writ of Entry lieth,  
and by what Names.*

**P**recipe quod reddat lieth de una Acra Terre  
Aqua cooperta vel Acra Terre. 12 H. 7.

1. 4. de \* Curgite. 10 E. 3. & 14 E. 3. 842.

\* A Water-  
Pir.

F. N. B. fol. 191. Et de passagio ultra Aquam

F. N. B. 191. de Falliva. 34. Ed. 4. 423. de

Officio. 27 H. 8. 12. De Advocatione Eccle-

sie, aut de quarta parte Decimarum. 34 E. 3.

de Portione Decimarum. Dyer, fol. 84. pl. 83.

de quadam parcel Terre. Dyer 84. pl. 83. de

custod Terre & heredibus siue de custod Terre.

Reg. 161. 22 Ed. 3. fol. 29.

**P**recipe quod reddat lieth of all Manner of

Ecclesiastical or Spiritual Profits, as de Re-

ctoria Vicaria Portionibus Pensionibus Deci-

mas, &c. per Stat. 32 H. 8. c. 7. de omnibus

These are ac-  
cording to  
Mr. West's  
Symb. part 3.  
sect. 2 & 3.

& omnimodis Decimis majoribus minoribus & mi-

noribus infra Villam sive Hamlet de P. in Paroch

de A. quocumque crescent contingent ac annuatim

renoban', &c. Thel. lib. 8. cap. 9. sect. 2. de

quarta parte Decimarum & Oblationum Ecclesie

Sancti P. &c. 16 Ed. 3. de quadam Portione

Decimarum, or Terre, not shewing how much.

1 H. 4. fol. 1. Dyer, fol. 84. pl. 83, 84, 85,

& 86. In old Time, de hida Terre, per Glan-

vil, de caruca Terre. 4 Ed. 3. 161. de vocat

Terre. 6 Ed. 3. 991. de sex pedibus Terre in

longitudine & quatuor in latitudine. 14 Aff. 13.

**A** Precipe quod reddat lieth de tota & sicu

Polendini, 14 Ed. 3. de Hundredo de C. & Fal-

livato de B. 34 E. 1. 3 E. 3. de Pastur ad

sex Robes. 3 Ed. 3. 23. 4 E. 2. de Roda Ter-

re

re. 3 E. 5. de Advocacione. 34 E. 1. de quadam positione Terre. 11 H. 4. fol. 40. 5 H. 7. fol. 9. Medietat unius Rode Terre. 41 E. 3. de Shova. Reg. fol. 3. de quatuor Act Ainet. 11 Aff. 13. de Turbar by the Name of Dove. 8 E. 3. fol. 387. and it lieth in a Town and not in an Hamlet. 8 E. 3. fol. 55. 7 E. 3. 9.

*Of what Things a Writ of Entry lieth not.*

\*Not of a Ditch, nor of a Pool.

† A Wain-Land.

**A** Precipe quod reddat lieth not de \* fol. lato, nec de Stagno, nec de Piscaria. 8 E. 3. 381. nec de Advocacione Decimarum unius † carucat Terre. Reg. fol. 29. nec de Communia pasture. 27 H. 8. fol. 12. de Estoveriis. 2 Ed. 3. de homagio & fidelitat nec de serviciis faciendis. 6 E. 2.

\* A Selon or Ridge of Land.

It lieth not de Bobat Parisci. 13 E. 3. fol. 3. de feloniam Terre. Ed. 1. for the Incertainty, because a Selon is a Parcel of Land sometimes containing an Acre, sometime more, and sometimes less.

It lieth not of a Garden, Cottage or Croft, 14 Aff. 13. 8 H. 3. 22 E. 4. 13. de virgat Terre. 41. 43. 13 E. 3. de Fodina, de Agnora, de Mercatu. 13 E. 3. For they lie not in Demesne, but in Gain, nec de superiori Camera. 3 H. 6. fol. 1.

It lieth not of an Annuity, nor of a Tenement, but it must be of Houses and a certain Quantity of Acres. *Moor Rep.* 953.

A Writ of Entry ought not to contain one and the same Thing twice, as a Messuage and an House, Parcel of the same Messuage. 3 Ed. 4. fol. 28. 46 E. 3. 26. Nor to name a Town and an

According to  
*Wist's Symb.*  
part 2. sect. 1.  
¶ 2.



an Hamlet within the same Town. 22 E. 3. 14.  
41 E. 3. f. 22. But the Practice is now other-  
wise as to this, and some other of the Things  
before mentioned, as you may observe before,  
that a *Præcipe quod reddat* is said not to lie de  
*Prædictis, de Cotevile, de Gardino, nec de Com-*  
*muna pasture*; but the Use is otherwise, as  
you will see by the Recoveries in this Treatise;  
and though it may be meant that a *Præcipe*  
lies not of one of those Things singly alone, as  
of a Common; yet being joined and expressed  
with other Things, it may well lie, and is  
every Day's Practice.

We should shew something of the Persons as  
may be allowed to suffer Recoveries, but it  
shall suffice to say, that such Persons, and by  
such Names, may be Demandants, Tenants,  
and Vouches in Recoveries as may be Cog-  
nizors and Cognizees in Fines. *Co. Lit. 372.*  
See in the Treatise of Fines.

*Rules to be observed in placing Particu-  
lars in a Writ of Entry.*

1. **T**HE more worthy Things must be pla-  
ced before the Things less worthy, as  
a Castle must be set before a Manor, a Manor  
before a Messuage, a Messuage before a Toft  
or Mill, &c.

2. Things General must be put before  
Things Special; as Land being the General  
or Genus to Meadow, Pasture, &c. is placed  
before Meadow, &c.



3. Entire or whole Things are to be put before Parts, as one Messuage and the Moie-ty of one Messuage, &c.

For the more orderly and formal placing of the Particulars in a Writ, observe this Method. *Maneria de B. & S. cum pertinenti ac duo Mesuagia unam Shopam unum Tostum unum Potendinum unum Columbarium duo Gardina viginti acras Terre decem acras Prati quinque acras pastur sex acras Bosci centum acras Jampnozium & Buere centum acras Moxe centum acras Juncarie decem acras Parisci decem acras Alneti decem acras Buscarie quinque acras Terrae aquae cooperit viginti Libras duos Solidos unum denarium unum Obolus & unam Quadrantem redditus & redditus unius par Calcar deaurat decem Caponum duorum Gallozum duarum Gallinarum quinque Libras Piperis trium Clavozum Caricophelli & unam Libram Cumini Communis pastus per omnes Avenas ubi Franc ptegram Libertatem Warren Libertatem Piscariam Libertatem Faldagii acetiam Pundinas & Mercat Theolonium Stallag & Picag Catalla Feloid Fugitivorum Alagat & in exigens post Deodand Catalla Mabiad & extrahur cum pertinenti in B. A. S. R. & B. Recnon Rectozias de B. & S. cum pertinenti ac omnes ac omnesmodi Decimas eidem Rectozias spectand & pertinent acetiam Advocaciones Ecclesiarum de R. & B. ac Advocaciones Vicarie Ecclesie de B. Et in que, &c.*

\* Note, The Word *Gardinum* is used both for Garden and Orchard in real Actions, and not *Pomarium*; and if that Word be used, you may plead in Abatement as being contrary to the Course of the Register. See such a Plea in *Form' bene Placitandi tit. Abatement.*

Divers other Particulars may be put in the Writ, as may be seen in the Register, fol. 12. *E. N. B. 2 West. Symb. 2 pag. 77.*

Hono

Honor de A. cu pñ	Spectan & pertineu
Castro de B. cu pñ	Situs nuper Monasterii
Burgus de C. cu pñ	de J. cum peritū
Hidres de D. cu pñ	Pratum
Parit de E. cu pñ	Pastura
Foresta de F. cu pñ	Boscus
Charcea de G. cu pñ	Impius & Bruera
Situs Panerii de H. cu pñ	Posa Juncaria
	Muscaria Mariscus
Terra aqua coopit	Alnetus
Communia pastur' p om.	Polendinum
nimos Aberis.	Columbar
Dere Soluat reddit.	Pacellum
Reddit duorum Gallo-	Cardinam
rum duarum Gallinat	Terra
unius Libi Piperis,	Liba Piscaria
ec.	Liba Marennia
Pesua	Libas Faldagii
Shopa	Una Salina
Cellarium	Una Bullar' Aque salte
Totum	Advocatio Ecclesie de B.
Una Pharia	Advocatio Altaris Ecclie
Una haia	de de C.
Rundine & Percat' cu pñ	Pallagium ultra Aqua
Una Franc' pleg' cum pñ	Thamesis
Catalla Felon Melag' &	Tres partes unius Pe-
In erigend poss. Catal-	suagii
la wariat & extrahit	Pedietas unius Pesua-
Deoband	gii
Rectoria de B. cum per-	Pedietas unius Pesua-
itū ac omnes ac om-	gii Communia pastur'
nimos Decimas qual-	ad omnes partes pñ
cunque eidem Rectorie	Recon Pedietas &
	tertia pars Cote.

*The Rule for the Payment of Money in the  
Alienation-Office.*

Every five 5 Marks and 20 Shillings payeth  
6s. 8d. From 5 Marks and 20 Shillings un-  
to 5 Marks and 40 Shillings payeth 10s. A-  
bove 5 Marks and 40 s. unto 10 Marks and  
20 s. payeth 13s. 4d. So in like Proportion  
for all others.

	40 s. or under payeth	10s. 0d.
	Above 40 s. to 3 l. 6 s. 8 d. payeth	13s. 4d.
	5 l. 6 s. 8 d. payeth	16s. 8d.
	7 l. 13 s. 4 d. payeth	19s. 0d.
	8 l. 13 s. 4 d. payeth	20s. 0d.
	10 l. payeth	21s. 0d.
	12 l. payeth	22s. 0d.
Land ra- ted at	14 l. 6 s. 8 d. payeth	23s. 0d.
	15 l. 6 s. 8 d. payeth	24s. 0d.
	17 l. 13 s. 4 d. payeth	25s. 0d.
	18 l. 13 s. 4 d. payeth	26s. 0d.
	20 l. payeth	27s. 0d.
	22 l. payeth	28s. 0d.
	23 l. 6 s. 8 d. payeth	29s. 0d.
	25 l. 6 s. 8 d. payeth	30s. 0d.
	27 l. 13 s. 4 d. payeth	31s. 0d.
	28 l. 13 s. 4 d. payeth	32s. 0d.
	30 l. payeth	33s. 0d.

*Directions*

Directions how to sue out Recoveries.

**I**N suffering Recoveries, the Tenants and Vouchers do most commonly appear in Person in Court: But sometimes they either will not, or cannot appear in Person; and then they do use to appear and suffer the Recovery by Attorney: Of both which in order.

First therefore, when you would sue forth a Recovery to be suffered by the Parties in open Court;

Draw your *Præcipe* according to the Directions afore given, naming the Demandant and the Tenant, the Quantity of Land and of what Nature, how many Acres, what Mannors, Messuages, &c. and in what Place or Places they lie and extend.

Next you may carry it to the Cursitor of that County where the Lands lie, for a Writ of Entry. But Note, It is the Common Use to pass a Recovery at the Bar, before a Writ of Entry is sued out; therefore having drawn your *Præcipe* in Paper, then enter it upon the first Remembrance of the Prothonotary in whose Office you enter, and put the Voucher's or Vouchers Names in the Margent thus, viz.

With a single Voucher.

Midd' ff. **P**ræcipe A. B. quod iuste, &c. red-  
dat C. D. Gen' unum messuagium  
& decem Ace Pastur cum pertin' in C. que claud,  
&c.

\* Note, The common Vouchee is usually Bag-bearer to the *Custos Brevium* of the Com-

Tenens in pro-  
pria persona  
sua voc. ad  
Warr. \* Edm.  
Clerk, &c.

Tenens in pro-  
pria persona  
sua voc. ad  
Warr. \* Edm.  
Clerk, &c.

Tenens in pro-  
pria persona  
sua voc. ad  
Warr. \* Edm.  
Clerk, &c.





livered the Serjeants will plead, and soon dispatch your Business.

If the Recovery be with single Voucher three Serjeants plead it; one for the Demandant, one for the Tenant, and the third for the Vouchee.

If with a double Voucher then four Serjeants.

If with treble Voucher then five Serjeant's

Every Serjeant's Fee being 3 s. 4 d. out of which each Serjeant allows to the Clerk that sueth out the Recovery 1 s. 4 d. so that you pay them only 2 s. apiece.

*The Form of the Serjeant's pleading a Recovery with single Voucher, is as followeth.*

I. **T**HE Serjeant, who hath the Remembrance, will ask which is the Tenant, and cause him to stand up, as also the Vouchers, to the Intent they may be shewn to the Court; then the Judge will ask, Who knows the Parties? which you or some other will answer, you know them to be such Parties, lest there should be Fraud in it, as there hath been formerly, where the Husband brought in another Woman a Stranger, saying, she was his Wife, and suffered a Recovery of his Wife's Land, to cut off her Estate without her Consent.

And Note, That Roll Chief Justice said, That though it was not necessary to examine a Feme Covert, when she joins with her Husband to suffer a Recovery; yet he held it prudential, and that he used to do it. *Pract. Regist.* 134, 295.

Then the first Serjeant counts by the Prothonotary's Remembrance according as the Writ is there entred, after this Manner, viz.

Le premier  
Serjeant.

Ceo vous monstre J. D. que J. S. ad luy defoiz  
del Manor de D. ovelesque les apparences en le  
Court de C. (reciting all the Particulars) &  
que ceo est son droit & inheritance d'oune ill aveine  
fuit leste en son demesne come de fee & doit en  
temps la piece en temps la Roy qui ore est Et  
les Esplees eit prise al value de demye Mark &  
plus Et en queur le dit J. S. n'ad pas entre li  
non puis dissein que D. Hunt de ceo contou-  
niert & sans Judgment a fait ad le dit J. S. deins  
triginta ans darrein passe li le dit J. S. ceo voit  
debitre, vous aves cy le dit J. D. que de ceo ad  
port son suite.

Le second Ser-  
jeant.

The Serjeant for the Tenant saith, vous a-  
ves cy le dit J. S. qui defend son droit & vouch a  
garrantie Com. Clerk pria que il soit summon  
deins le Courtie avantdit per le aid de cest Court.  
Vous aves cy le dit Com. Clerk qui cy est prist  
denter en le garrantie & prie que le demandant  
counta vers luy.

3 Serjeant.

1. Serjeant.

3. Serjeant.

Autiel Count (mutatis mutandis)  
Vous aves cy le dit Com. Clerk qui defend  
son droit & dit que le dit D. Hunt ne dissein  
pas le dit J. D. sicome le dit J. D. per son  
briel & Count suppose & sur ceo luy mette sur le  
pais.

1. Serjeant.

Double Vou-  
cher.

Ove vostre conge nous volumus imple.  
If it be with a double Voucher, then the  
first Serjeant counts as before. Ceo vous mon-  
stre, &c.

2. Serjeant.

And so likewise the second for the Tenant  
as before, only instead of common Vouchee  
he calls the first Voucher A. B.

3. Serjeant.

Then the Serjeant of the Vouchee must de-  
fire the Judges to record the Appearance of the  
Vouchee (and so of every Vouchee unless it be  
Com-



Common Vouchee) which done he must say, Nous aves cy le dit A. B. que cy est prist d'en-  
tre in le garrantie & prie que le demandant coun-  
teroit envers luy.

Antiel Count (mutatis mutandis)

Nous aves cy le dit A. B. qui defend son droit  
& bouch a garrantie Edm Clent & prie que il  
soit summon detus le Countey avantdit p le aid  
de cest Court.

1. Serjeant.

3. Serjeant.

Then the fourth Serjeant must say, Nous a-  
ves cy le dit Edm Clent que cy est prist d'en-  
tre in le garrantie & prie que le demandant coun-  
teroit envers luy.

4. Serjeant.

Antiel Count (mutatis mutandis)

Nous aves cy le dit Edm Clent qui defend  
son droit & dit que le dit Hugh Hunt ne dissei-  
pas le dit J. D. sicome le dit J. D. per son brief  
& count suppose Et sur ceo luy mitie sur le  
pais.

1. Serjeant

4. Serjeant.

Ove vostre conge nous volumus simple.

1 Serjeant.

And so in the like Manner if it be with tre-  
ble Voucher, (mutatis mutandis)

The Tenant and Vouchers Appearances  
being recorded, and the Serjeants Plea ended,  
the Prothonotary sitting in Court will mark the  
Remembrance in the Margent of the *Præcipe*  
thus, [Ad Barram] Which done and the Fees  
of the Court paid, you must get the Cursitor  
of the County to make your Writ of Entry  
by the *Præcipe* drawn up in Paper as is afore  
directed; and having your Writ of Entry un-  
sealed, you must proceed therewith in the  
Alienation-Office and other Offices, in all  
Things as in Writ of Covenant upon a Fine;  
for the \* Fees are all one, only you must have  
the Attorney General's Hand to your Writ  
of Entry (which you have not to a Writ of  
Covenant) for which you pay 10s.

\* See before  
the Rule of  
Fees for Alie-  
nation-Office.  
and see after.

Then



## Recoveries.

Then take your Writ and get it sealed, and then open it and return it, as you do a Writ of Covenant.

See after for a  
Writ of Entry  
and Return.

Then deliver your Writ to the Clerk of the Prothonotary's Office, who entreth for you and he will enter and exemplify your Recovery; but if you can enter it your self, then first draw up your Recovery after this Manner, supposing it was in *Wiltshire* and betwixt the Parties following, with the Parcels.

## The Form of a Recovery with a single Voucher.

Wilts' ff. **J.** H. Armiger in propria persona sua petit vers' D. M. Gen'ria mesuagia septem gardina septuaginta acras terre novem acras prati quindecim acras pasture viginti aer' sampnozumi & buere & communiam surbarie cum pertin' in S. ut jus & hereditatem suam Et in que idem D. non habet ingressum nisi post disseisinam quam Hugo Hunt inde iustit' & sine Iudicio fecit prefat' J. infra triginta annos &c. Et unde dicit quod ipsemet fuit seissus de tenementis & communis predict' cum pertin' in dominio suo ut de feodo & iure tempore pacis tempore Domine Regine nunc capiendo inde exempl' ad valentiam &c. Et in que &c. Et inde producit secretam &c.

Et predictus D. in propria persona sua venit & defendit ius suum quando &c. Et vocat inde ad war' Edmundum Cleric' qui p'sens est hic in Curia in propria persona sua Et gratis tenementa & communias p'dict' ei war' &c. Et super hoc prefat' J. petit versus ipsum Edmundum tenend' per war' suam tenementa & communias p'dictas cum pertin' in forma

forma predicta &c. Et unde dicit quod ipsemet fuit seissus de tenementis & communis predictis cum pertinentiis in domino sup ut de feodo & iure tempore pacis tempore Domine Regine nunc capi-endo inde expleat ad valentiam &c. Et in que &c. Et inde producit sextam &c.

Et predictus Edmundus tenens per war suam defendit suum quando &c. Et dicit quod predictus Hugo non disseisivit prefatum J. de tenementis & communis predictis cum pertinentiis prout idem J. per breve & narrationem sua predicta superius supponit Et de hoc ponit se super paciam &c.

Et predictus J. petit licentiam inde interloquendi Et habet &c. Et postea idem J. revenit hic in Cur isto eodem Terminio in propria persona sua Et predictus Edmundus licet solemniter exco- non reverit sed in contemptum Curie recessit & default fecit Ideo consideratum est quod predictus J. recuperet seissnam suam versus prefatum D. de tenementis & Communis predictis cum pertinentiis Et quod idem D. habeat de terra predicti Edmundi ad valentiam, &c. Et idem Edmundus in misericordia, &c. Et super hoc predictus J. petit Breve Domine Regine Vicecomiti Comitatus predicti dirigens de habere faciend ei plenariam seissnam de Tenementis & communis predictis cum pertinentiis Et ei conceditur recognabile hic a die Sancte Trinitatis in terra septima, &c. Ad quem diem venit hic in Cur predictus J. in propria persona sua

*Note, You may also get ready your Writ of Seisin and seal it, and return it with your Writ of Entry. See after for a Writ of Seisin and Return.*

*Note, The Writ of Seisin ought to be made returnable at least 15 Days after the Writ of Entry; but if the Writ of Entry be returnable to-*

wards the latter End of the Term, so that there are not 15 Days between the Return of the Writ of Entry and the End of the Term; then the Writ of Seisin must always be made *[returnabile hic indilate]* and the Writ of Seisin must always bear Tasse of the Return of the Writ of Entry when there is no Summons. See more concerning Writ of Seisin and Return after.

sua Et sic videat B. P. Armiger modo mon-  
quod ipse viruce Brevis predicti sibi dicitur  
octavo die Junii ult. preterit habere fecit prefat  
A. plenariam seisinam de Tenementis & Commu-  
nis predictis cum pertinentiis prout per Breve illud  
sibi preceptum fuit, &c.

### The Form of a Recovery with double Voucher.

Berks' ff. J. D. Armiger in propria persona  
J. sua pet versus A. D. Generosum  
& R. P. Generos ser mesuagia und columbar ser  
gardina quadringent' ac' terre duodecim ac' prati  
duodecim acras pasture viginti & quinque ac' soli du-  
cent' ac' sampnoy & pueri libertat duoy talu-  
giorum & cursum Obium cum pertin' in L. C. A.  
& C. G. ut jus & hereditatem suam & in que idem  
A. & R. non habent ingressum nisi post dissolutionem  
quam Hugo Hunt inde injuste & sine iudicio fecit  
prefat A. infra triginta annos, &c. Et tunc dicit  
quod ipsemet fuit seissit de Tenementis Liber-  
tat & cursu obium predicti cum pertin' in dominio  
suo ut de feodo & iure tempore pacis tempore Ro-  
mine Regine nunc capiend' inde exple' ad valen-  
tiam, &c. Et in que, &c. Et inde producat ser-  
tam, &c.

Et predicti A. & R. in propriis personis suis  
venit & defendit jus suum quando, &c. Et vo-  
cant inde ad war J. P. Armigerum qui pres-  
ens est hic in Curia in propria persona sua  
& gratis Tenementa Libertat & cursus obium  
predicti cum pertinentibus eis war, &c. Et super  
hoc predictus J. D. pet versus ipsum J. P.  
tenend



tenens per war suam tenementa Libertat & curā  
obium predict cum pertind in forma predicta,  
Et unde dic quod ipsemet fuit seissit de Te-  
nementis Libertat & curā obium predict cum per-  
tind in dñico suo ut de secodo & iure tempore pacis  
tempore Domine Regine nunc capiend inde ex-  
pleat ad valentiam, &c. Et in que, &c. Et inde  
producat sectam, &c.

Et predictus J. D. tenens per war suam  
defend sus suum quando, &c. Et ulterius hoc  
inde ad war Edmundum Cleric qui amitteret  
presens est hic in Curia in propria persona  
sua & gratis Tenementa Libertat & curā obium  
predict cum pertind et war, &c. Et super hoc  
predict J. D. per veritas ipsam Edmundum te-  
nen per war suam Tenementa Libertat & curā  
obium predict cum pertind in forma predicta, &c.  
Et unde dic quod ipsemet fuit seissit de Te-  
nementis Libertat & curā obium predict cum  
pertind in dominico suo ut de secodo & iure tempore  
pacis tempore Domine Regine nunc capiend inde  
expleat ad valentiam, &c. Et in que, &c. Et inde  
producat sectam, &c.

Et predict Edmundus tenens per war suam  
defend sus suum quando, &c. Et dic quod pre-  
dict Hugo non disseisivit prefat J. D. de Te-  
nementis Libertat & curā obium predict cum pertind  
prou idem J. D. per Breve & Asseruationem sua  
predicta superius supponit Ordo hoc ponit se super  
pamiam, &c.

Et predictus J. D. ipse licentiam inde in-  
terloquendo habet, &c. Et postea idem J. re-  
ved hic in Curiam isto eodem termino in pro-  
pria persona sua & predict Edmundus licet so-  
lempniter exact non rebed sed in contemptu  
Curie recessit & defalt fecit Iureo consideratum  
est quod predict J. D. recuperet seissinam suam  
versus prefat J. & R. de Tenementis Libertat &  
curā

Now You  
may suppose  
that to be  
delivered any  
reasonable  
Time between  
the Year and  
Return, allow-  
ing that a Man  
that Time, when  
England.



cursus Obium predictum cum pertinenti Et quod idem  
 A. & B. habeant de Terra predicta J. D. ad va-  
 lentiam. &c. Et quod idem J. D. ulterius ha-  
 beat de Terra predicta Edmundi ad valentiam,  
 &c. Et idem Edmundus in misericordia, &c. Et super  
 hoc predictus J. D. per Rege Domini Regis Ric-  
 Com predicti dirigens de habere faciens ei ple-  
 nariam leishnam de Tenementis Libertatibus &  
 cursus Obium predictum cum pertinenti Et et conce-  
 ditur recognabile hic in Octabis Sancti Hillarii,  
 &c. Ad quem diem hic veni predictus J. D. in  
 propria persona sua Et Ric videlicet P. P.  
 Armis modo mand quod ipse virtute Brevis  
 predicti sibi directi vicelesimo \* die Decembris  
 ult' preterit habere fecit prefat. J. D. plenariam  
 leishnam de Tenementis Libertatibus & cursu Obium  
 predictum cum pertinenti per Breve illud sibi preceptum  
 fuit, &c.

\* Note, You  
 may suppose  
 Scilin to be  
 delivered any  
 reasonable  
 Time between  
 the Telle and  
 Return, allow-  
 ing that a Man might ride from Westminster to the Land and back again by  
 that Time, which may be supposed to be done in six Days in any Part of  
 England.

### The Form of a Recovery with treble.

#### Voucher.

North' ff. J. D. in propria persona sua per A.  
 sus J. G. Generosum quatuor  
 Acr' Priori cum pertinenti in Mellingborough &  
 lias Mellingborough & Dodington magna vi-  
 sus & hereditatem suam Et in que idem J. non  
 habet ingressam nisi post assensum quam Be-  
 go Hunt inde injussu & sine Judicio fecit prefat.  
 J. infra triginta annos, &c. Et unde dicit quod  
 ipsemet fuit seist de quatuor Acr' predictis cum  
 pertinenti in dominio suo ut de feodo & iure tem-  
 pore pacis tempore Domine Regine nunc capi-

enō inde expleō ad valentiam, &c. Et in quas,  
&c. Et inde produc lectam, &c.

Et predictus J. in propria persona sua ven-  
t defendit ius suum quando, &c. Et hoc inde  
ad war R. D. de H. Juniozem Gen' qui presens  
est hic in Curia in propria persona sua Et  
gratis quatuor Acras predicti cum pertinet ei war,  
&c. Et super hoc predictus J. pet' versus ipsum  
R. tenens per war suam quatuor Acr predicti  
cum pertinet in forma predicta, &c. Et unde dicit  
quod ipsemet fuit seisset de quatuor Acr predicti  
cum pertinet in dominico suo ut de feodo & jure  
tempore pacis tempore Domine Regine nunc ca-  
piens inde expleō ad valentiam, &c. Et in quas,  
&c. Et inde produc lectam, &c.

Et predictus R. tenens per war suam de-  
fendit ius suum quando, &c. Et ulterius hoc inde  
ad war R. D. de H. Armig' qui similiter pre-  
sens est hic in Curia in propria persona sua &  
gratis quatuor Acr predicti, cum pertinet ei war,  
&c. Et super hoc predictus J. pet' versus ipsum  
R. D. Armig' tenens per war suam quatuor Acr  
predicti cum pertinet in forma predicti, &c. Et unde  
dicit quod ipsemet fuit seisset de quatuor Acr pre-  
dicti cum pertinet in dominico suo ut de feodo  
& jure tempore pacis tempore Domine Regi-  
ne nunc capiens inde expleō ad valentiam,  
&c. Et in quas, &c. Et inde produc lectam,  
&c.

Et predictus Ricus D. Armig' tenens per  
war suam defendit ius suum quando, &c. Et ul-  
terius hoc inde ad war Edmundum Clene qui  
similiter presens est hic in Cur' in propria per-  
sona sua & gratis quatuor Acr predicti cum per-  
tinet ei war, &c. Et super hoc predictus J. pet' ver-  
sus ipsum Edmundum tenens per war suam qua-  
tuor Acr predicti cum pertinet in forma predicti,  
&c.

Et. Et unde dic quod ipsemet fuit leuit de qua-  
tuor. Accis predict cum percipit in bonis suis  
ut de septo & iute tempore parit tempore. Com-  
ne Regine nunc capiendos inde exple ad valen-  
ciam, et. Et in quas, et. Et inde proinde lec-  
tam, et.

Et predictus Comundus tenens per eum sua  
defensio ius suum quando, et. Et unde quod pre-  
dict Hugo non vultendo prelat. P. de quatuor. Acc-  
predict cum percipit proit idem. P. per Breve &  
Parr. suam vult supplius supponit. Et de hoc pon-  
se in Parram, et.

Et predictus Johannes per litteras suas  
loquendi. Et habet, et. Postea idem Johannes  
venit hic in Cur isto eodem. Termina. P. propria  
persona sua. Et predictus Comundus nunc idem.  
niter erat non revid. Sed in contemptum. Cur  
recente & verall. fecit. Sed considerandum. Et quod  
predict Johannes recuperet seigniam. Idem. P. de  
quatuor. Acc. predict cum percipit. Et  
quod idem. P. habeat de Terra predict. R. D. Se-  
neross ad valenciam, et. Et quod idem. R. ulte-  
rius habeat de Terra predict. R. D. Antiqua ad  
valenciam, et. Et quod idem. R. ulterius habeat de  
Terra p. Comundi ad valenciam, et. Et idem  
Comundus in mia. et. Et super hoc predictus  
J. per Breve D. Regis. Alie. Com. p. de  
rigendo de habere faciendo ei plenam seigniam de  
quatuor. Accis predict cum percipit. Et ei concedit  
ur retrohabille hic indillate, et. Postea scilicet tri-  
odecimo die. Februarii isto eodem. Termina. ven-  
bit in Cur. P. in. P. propria persona sua. Et de  
videt. P. D. modo mand. quod ipse vult. Brevis  
p. de hoc direct. octavo die. Fev. ult. predict. habet  
fec. Plat. J. plenam seigniam de quatuor. Accis. P. de  
cum percipit. P. per Breve illud. Alie. P. de. The.



The Form of a Recovery with a Quadruple  
Voucher.

S. R. **H.** L. Generosus & S. C. Generosus  
in propriis personis suis petunt  
versus P. C. Gen Paneria de Efted als Cl-  
bested Dumfozd alias Damfozd alias Demp-  
fozd Didinge alias Dedling Farnhurst alias  
Farnest Awkesbozne alias Hawkisbozne alias  
Old Park Camops Court Trotton alias Tratton  
alias Truddington Hozd & Dawklingrudge cum  
pertin Pecnon centum mesuagia centum gardina  
quatuor mille acr terre trescentas acr prati mille  
acr pastur octingentas acr bosci quingentas acr  
jampnozum & byuere trescentas acr Parisci & li-  
beram warennam cum pertin in Efted alias  
Clbested Dumfozd alias Damfozd alias Demp-  
fozd Didinge alias Dedling Awkelbozne alias  
Hawkisbozne alias Old Park Camops Court  
Trotton alias Tratton alias Truddington Hozd  
Dallingrudge Farnhurst alias Farnhurst Treys-  
fozd Terrick Horham Putstead alias Putstead  
Barcombe Dirlinge St. John's sub Castro de  
Lewis Chaley East Gimstead Horsted Heynes  
Hodely alias Heathley & West Hedley alias  
West Heathley Ac Advocacionem Ecclesiarum  
de Ruper & Ditchingfield ut jus & hereditatem  
suam Et in que iidem P. & R. non habet ingres-  
sum nisi post disseisinam quam Hugo Hunt inde  
injuste & sine iudicio fecit prefat H. & S. infra  
triginta Annos, &c. Et unde dicunt quod ip-  
sime fuerunt seisciti de maneriis parco tenemen-  
tis & libera warennam predict cum pertin in dor-  
minico suo ut de feodo & iure Ac de Advocacione  
predict ut de feodo & iure tempore pacis tempore  
P. Dnd



Dñe Regine nunc capiend' inde expleß ad valentiam, &c. Et in que, &c. Et inde produc' lectam, &c.

Et predicti H. & R. in propriis personis suis veni' & defend' sus suum quando, &c. Et vocant inde ad war' T. C. Genetolum qui presens est hic in Cur' in propria persona sua Et gratis maneria parcum tenementa & liberam warennam predict' cum pertin' ac Advocationem predict' eis war', &c. Et super hoc predicti H. & S. petunt versus ipsum T. tenen' per war' suam maneria parcum tenementa & liberam warennam predict' cum pertin' ac Advocationem predict' in forma predict', &c. Et unde dic' quod ipsimet fuerunt seissi de maneris parco tenementis & libera warennam predict' cum pertin' in dominio suo ut de feodo & jure ac de Advocatione predict' ut de feodo & jure tempore pacis tempore Domine Regine nunc capiend' inde expleß ad valentiam, &c. Et in que, &c. Et inde produc' lectam, &c.

Et predictus T. Tenens per war' suam defend' sus suum quando, &c. Et ulterius hoc inde ad war' J. B. Armiger' qui similiter presens est hic in Cur' in propria persona sua Et gratis maneria parcum tenementa & liberam warennam predict' cum pertin' ac Advocationem predictam eis war', &c. Et super hoc predicti H. & S. petunt versus ipsum J. B. tenen' per war' suam maneria parcum tenementa & liberam warennam predict' cum pertin' ac Advocationem predict' in forma predict', &c. Et unde dic' quod ipsimet fuerunt seissi de maneris parco tenementis & libera warennam predictis cum pertin' in dominio suo ut de feodo & jure ac de Advocatione predict' ut de feodo & jure tempore pacis tempore Domine Regine nunc capiend' inde expleß ad valentiam, &c. Et in que, &c. Et inde produc' lectam, &c.

Et predictus J. B. tenens per war suam de  
fens sus suum quando, &c. Et ulterius vocat in  
de ad war R. L. Militem qui similiter presens  
est hic in Cur in propria persona sua Et gratis  
maneria parcum tenementa & liberam warrennam  
predict cum pertin ac Advocationem predict eis  
war, &c. Et super hoc predicti P. & S. petunt  
versus ipsum R. L. tenend per war suam maneria  
parcum tenementa & liberam warrennam predict  
cum pertin ac Advocationem predict in forma  
predict, &c. Et unde dic quod ipsimet fuerunt  
seisi de maneriis parco tenementis & libera wa-  
renna predict cum pertin in dominico suo ut de  
feodo & jure ac de Advocatione predict ut de fe-  
odo & jure tempore pacis tempore Dne Regine  
nunc capiend inde exple ad valenciam, &c. Et in  
que, &c. Et inde produc lectam, &c.

Et predictus R. L. tenens per war suam de-  
fens sus suum quando, &c. Et ulterius vocat in  
ad war Edmundum Glent qui similiter presens  
est hic in Cur in propria persona sua Et gratis  
maneria parcum tenementa & liberam warrennam  
predict cum pertin ac Advocationem predict eis  
war, &c. Et super hoc predicti P. & S. petunt  
versus ipsum Edmundum tenend per war suam  
maneria parcum tenementa & liberam warrennam  
predict cum pertin ac Advocationem predict in  
forma predict, &c. Et unde dicunt quod ipsimet  
fuerunt seisi de maneriis parco tenementis & li-  
bera warrenna predictis cum pertin in dominico  
suo ut de feodo & jure ac de Advocatione predict  
ut de feodo & jure tempore pacis tempore Domine  
Regine nunc capiend inde exple ad valenciam, &c.  
Et in que, &c. Et inde produc lectam, &c.

Et predictus Edmundus tenens per war suam  
defensio suum quando, &c. Et dic quod pre-  
dictus Hugo non disseisibit prefat H. & S. de ma-  
neriis parco tenementis & libera warennia predic-  
tis cum pertin ad de Advocacione predict prout  
idem H. & S. per Breve & Parr sua predict su-  
perius supponit Et de hoc pend se super Patriam,  
&c.

Et predict H. & S. petunt licentiam inde in-  
terloquendi Et habent, &c. Et postea idem H. &  
S. rever hic in Cur isto eodem Termino in pro-  
pria personis suis & predictus Edmundus licet so-  
lemniter exact non rever sed in contemptum  
Curie recessit & default fecit Ideo consideratum est  
quod predict H. & S. recuperent seisinam suam  
versus prefat M. & R. de maneriis parco tenemen-  
tis & libera warennia predict cum pertin ad de  
Advocacione predict Et quod idem M. & R. ha-  
beant de Terra prefat L. C. ad valentiam, &c. Et  
quod idem L. C. ulterius habeat de Terra pre-  
dict J. B. ad valentiam, &c. Et quod idem J. B.  
ulterius habeat de Terra predict R. L. ad valen-  
tiam, &c. Et quod idem R. L. ulterius habeat de  
Terra predict Edmundi ad valentiam, &c. Et i-  
dem Edmundus in mid, &c. Et super hoc pre-  
dict H. & S. petunt Breve Domine Regine Ric  
Conrad predict dirigens de habere faciens eis ple-  
nar seisinam de maneriis parco tenementis & li-  
bera warennia predict cum pertin ad de Advocaci-  
one predict Et eis conceditur retrognabile hic indilate,  
&c. Postea scilicet duodecimo die Februarii isto eodem  
Termino ven hic in Cur predict H. & S. in propria  
persona sua Et Ric vide li Thomas Piers Baronet-  
tus modo mans qd ipse virtute Brevis prefat sibi di-  
recti septimo die Februarii ult preterit habere  
fecit prefat H. & S. plenar seisinam de mane-  
riis



illis parco tenetis & libera warrena predicta cum  
pud ac de Advocatione predicta prout p Breve il-  
lud sibi preceptum fuit, &c.

Your Recovery being thus drawn, you must  
next enter it upon a Plea-Roll, which the  
Prothonotary will give you for that Purpose.

The next Thing is to make an Exemplifi-  
cation for your Client, which you may do  
after the Manner following.

The Exemplification of a Recovery with sin-  
gle Voucher, where the Parties appear in  
Person at the Bar.

**A** Inna Dei gratia Anglie Scotie Francia &  
Hibernie Regina Fidei Defensor, &c.  
Omnibus ad quos presentes Litere nostre perve-  
nerint salutem Sciatis quod inter Placita Terre  
feroculac' apud Westm' coram Thome Treboz  
Pil & Sociis suis Justic' nostris de Banco de  
Termino Sancti Michaelis Anno Regni nostri  
secundo Rotulo \* vicesimo quarto continetur sic  
Willel' A. J. H. Armig' in propria persona sua  
pet' versus D. W. Gen' tria Mesnag'ia septem  
Cardina, &c. [Setting forth the whole Re-  
covery *verbatim*, according to the † Prece-  
dent with single Voucher unto the End of  
Words] prout p Breve illud sibi preceptum fuit,  
&c. Que omnia & singula ad requisitionem pre-  
dicti J. H. tenore presentium duximus exemplifi-  
cand' In cuius rei testimonium sigillum nostrum  
ad Brevia in Banco predicti sigilland' deputat pre-  
sentibus apponi fecimus Teste Thoma Treboz  
apud Westm' vicesimo octavo die Novemb'is An-  
no Regni nostri secundo.

\* According to  
the Number of  
the Roll you  
entered it on.

† i. e. accord-  
ing to the Re-  
covery you en-  
tered on the  
Roll.



The same Form may serve for Recovery with double or treble Voucher, &c. *mutatis mutandis.*

*Note,* You must *teste* your Exemplification after the Return of the Writ of Seisin; but if there be not \* fifteen Days between the Return of the Writ of Entry (or a Writ of Summons, when by Summons) and the End of the Term; then must the Writ of Seisin be returnable *indilate*; and the Exemplification must bear *Teste* the last Day of the Term in which the Writ of Entry (or Summons) came in.

*Note* also, That if the Writ of Entry (or Summons, when necessary) be returnable so late in the Term, that the Writ of Seisin cannot come in returnable in the same Term, but that it must be returnable the next \* Term; then in your Exemplification you must observe, That after awarding the Return of the Writ of Seisin, you must break off, and conclude as before, *Que omnia, &c.* And then uppon the Folding up of the Bottom of the Exemplification, or on the Label you must endorse thus, *Ad quem diem hic vendidit (the Demandant) in propria persona sua Et tunc videlicet A. B. modo mand quod ipse virtute huiusmodi sibi directi vicelesimo + die Junii assueti habere fecit prefatus (the Demandant) plenam seisinam de Tenementis predicti cum pertinentiis per breve illud sibi preceptum fuit, &c.* But in the Roll there is not any such Distinction.

\* As when 'tis returnable. *Ostab. Trin.* or *Quinden' Trin.* there are not 15 Days from the *Teste* of *Ostab. Trin.* or *Quinden. Trin.* until *Tres Trin.*

\* As when the Writ of Entry or Summons, is returnable the last Return of any Term (except *Easter* Term) then the Writ of Seisin must be awarded the first Return of the next Term; but if of *Easter* Term, then the second Return of *Trin.* Term.

† *Note,* This Execution of the Writ of

Seisin may be supposed on any Day not being Sunday, between the *Teste* and the Return of the Writ of Seisin, so that you allow Time enough that one may be supposed to ride from *Westminster* to the Land and back again by that Day. See more hereafter.

Your Exemplification being thus made, and also your Writ of Seisin [in the mean Time] being made and returned as of Courfe; Then examine your Recovery with the Prothonotary (having first perfected the *Præcipe* in the Remembrance according to the *Teste* and Return of your Writ of Entry, as is afore observed) then docket your Recovery, which done, the Prothonotary will sign your Exemplification which with your Writ of Seisin you must get sealed; and then you must be careful to see both your Writ of Entry and \* Seisin filed with the *Custos Brevium* of the Common Pleas: For that is the Warranty for your Proceedings had: And then you have no more to do, but to deliver the Exemplification of the Recovery to your Client.

\* Note, They must be both signified by the Clerk of the Enrolment-Office, to whom you must pay 2 s. 6 d. out of which he alloweth 6 d. to the Clerk that sueth out the Recovery.

Note, If your Client will be at the Charge, you may have both the Writs of Seisin and Entry exemplified with their Returns for fear of any Miscarriage in filing them, which Exemplifications are usually had at the Enrolment Office. For by the Statute 23 *Eliz. c. 3*, an Office was erected for the Enrolment of Writs of † Entry and Seisin and Writs of Covenant, &c. And it is thereby enacted, That the Exemplifications of such Writs shall have the same Force and Power as Writs themselves: The Form whereof you may find after.

† Also you may exemplifie your Writs of Summons and Warrants of Attorney, &c.

Thus have I shew you Step by Step, how to pass a Recovery at the Bar with the Exemplifications thereof; next I will endeavour to shew you how to sue forth a Recovery by *Dedimus Potestatem* and Warrant of Attorney,

## Recoveries.

When your Tenant or Vouchers will not or cannot come into the Court in Person, you must pass your Recovery by Warrant of Attorney.

These Warrants of Attorney may be taken two several Ways.

1. Either by any of the Judges of Assize of either Bench, Barons of the Exchequer, and as some say, by Serjeants at Law in their Circuits without a *Dedimus Potestatem*: Or,

2. By a *Dedimus Potestatem* directed to Commissioners in the Country.

First then by Warrant of Attorney before a Judge (&c.) for the Tenant.

Draw up your Warrant in Parchment thus:

Warrant of  
Attorney for  
Tenant in sin-  
gle Voucher.

Ebor' ff. **P** Recipe C. D. Ar' quod iuste, &c.  
reddat A. B. Gen' viginti me-  
suarū & quinque gardina cum pertin' in C. que  
clam, &c.

Note, There  
must be two  
Attornies at  
the least, and  
their Authority  
joint and sever-  
al, that if one  
die, the other  
may proceed  
&c.

Ebor' ff. **C** D. Armig' po. lo. suo J. G. &  
H. J. conjunctim & divisim ver-  
sus A. B. Gen' de p'tio terre.

This done, go with the Party before the Judge, and he will underwrite the Day of the Caption, or you may rather underwrite it your self thus,

To which the  
Judge puts his  
Hand.

Capit & Cognit' decimo die Aug'  
Anno Regni Anne Dne Regine  
nunc, &c. secundo coram

T. Trevor.

Note,



*Note*, There must be a Transcript in Paper to which the Judge also puts his Hand, and then is to remain with the Clerk of the Fines.

Next, you must proceed to get your Writ of Entry made and passed through the Alienation-Office, where it must be signed by the Commissioners, and entred into their Book; then carry it back to the Curfitor to be sealed; and from thence to the King's Attorney General for is Hand.

Then enter your *Præcipe* on the Remembrance with the Note in the Margin, and next pass your Recovery at the Bar, &c.

See more after of the Entry and Proceedings in a Recovery with single Voucher, when the Tenant appeareth by Warrant of Attorney taken before a Judge. fol. 253.

If both the Tenant and Voucher appear by Attorney; then draw your Warrants of Attorney thus, for a Recovery with double Voucher.

Warrant of Attorney for the Tenant and Voucher in a double Voucher.

Wilts' ff. **P** Ræcipe J. W. quod iuste, &c. red-  
dat R. C. und Mesuag & decem  
Ac' Terre cum p'ind in p. & claud, &c.

Wilts' ff. **J** W. po. lo. suo A. R. & E. W. Ac-  
torum suos conjunctim & divisim  
suis R. C. de p'ito Terre, &c.

Wilts' ff. **H** P. quem J. W. voc' ad War' po-  
atim & divisim suis R. C. de p'ito Terre.

Capit & cognit (ut supra.)

T. Trevor.

Warrant of Attorney for Tenant and two Vouchers in a treble Voucher.

If with a treble Voucher, then the Warrants must be drawn thus

Lincoln'



Lincoln' ff. **P**recipe C. W. quod iuste, &c.  
reddat W. C. decem Mesuag  
cum pñd in S. & claud, &c.

Lincoln' ff. **E** W. po lo. suo J. L. & J. Q.  
conjunctim & divisim & sus W.  
C. de pñto Terre, &c.

Lincoln' ff. **J** D. quem C. W. voc ad War  
po. lo. suo J. S. & W. B. con  
junctim & divisim versus W. C. de pñto Ter  
re, &c.

Lincoln' ff. **O** D. quem J. D. voc ad War  
po. lo. suo W. T. & J. C.  
conjunctim & divisim versus W. C. de pñto Ter  
re, &c.

Capit & cognit, &c. (ut supra.)

J. T.

*Note, You  
must make due  
Entry upon  
Record of all  
your Proceed-  
ings as they go  
on; for which  
see after.*

Next proceed to get your Writ of Entry made and passed through the Alienation-Office, which done, seal it; then it must be entred on the Roll, and a Writ of summons awarded, which will come in five Returns after the *Teste* of the Writ of Entry inclusive. You must also make a Copy of the Declaration you entred in Parchment, which together with the Writ of Summons and Warrant of Attorney must be examined with the Prothonotary by the Writ of Entry and the Roll; then must you return the Writ of Entry and file it: The Writ of Summons you must seal, and keep it fixt together with the Warrant of Attorney and Copy of the Declaration till the Writ of Summons be returnable, at which  
Time

Time you must bring the same into Court, and deliver it to one of the Serjeants, who will draw it at the Bar as the Manner is. Then paying your Fees you must take it from the Serjeant, and give it to the Prothonotary, who will mark it [*ad Barram*] and give it you again. Then you must compleat your Entry on the Roll, and prepare for the Exemplification, and perfect the Recovery, as is before directed.

See after for the Entry and Proceedings in these Cases, when both Tenant and Vouchee appear by Warrant of Attorney taken before a Judge.

*Note*, That although the Tenant appear by Warrant of Attorney, if either the Recovery be a single Voucher, or the Vouchers come in Person, it needed no Summons, and so may be a perfect Recovery of one Term.

*Note*, You must carefully file all your Warrants of Attorney with the Clerk of the Warrants, and all your Writs whatsoever with the *Custos Brevium*.

*How to take Warrant by Dedimus Potestatem, and to enter and pass the Recoveries thereupon.*

**W**HEN you take your Warrants by *Dedimus Potestatem*, you must procure your *Dedimus* in the same Manner, as when tis to take a Fine, *viz.*

Draw your *Præcipe* in Paper for the Curfitor to make the *Dedimus* by, and then deliver it to the Curfitor of the County, having first written the Commissioners Names thereon, whereof one to be a Knight, thus:

Lincoln'

Lincoln' ff. **P**receptum C. W. qd fuisse, &c. red,  
 dat W. G. decem Meluag cum  
 pttid in S. q claud, &c.

Des Pot direct } A. B. Mil'.  
 } C. D. Armig'.  
 } E. F. } Gen'.  
 } G. H. }

*Note, The  
 Vouchee must  
 set his Hand to  
 the Warrant.*

If your *Dedimus* be for Vouchers, you must  
 put down their Names in the Instructions.

Take your *Dedimus* and deliver it to the  
 Commissioners with a *Præcipe* and Warrant or  
 Warrants of Attorney ingrossed, and let the  
 Commissioners take the Caption, and then  
 enter it thus:

Capit & Cognit apud S. in Cond  
 L. decimo quinto die Aug' Anno  
 Regni Anne Dno Regine nunc,  
 &c. secundo coram

A. B.  
 C. D.

You must also return the *Dedimus* on the  
 back thus:

Executio istius Brevis (or Commissionis)  
 patet in quadam Scheda huic Brevi an-  
 nex'.

And then file the *Præcipe* and Warrant to the  
 Back of the *Dedimus*, and so return it into the  
 Court of Common Pleas.

If

If after the Caption any of the Commissioners refuse to return it, the Party grieved may by *Certiorari* compel him that hath it in his Custody, his Executors or Administrators, to certify it: The Form of which *Certiorari* see after.

If one of the Commissioners, who take the Cognizance, be not a Knight (as many Times happens) then a Certificate must be drawn up upon the Back of the *Præcipe* and Warrants; and then to be carried to a Judge for his *Allocatur*; the Form whereof may be thus:

*A. B. Gent.* one of the Commissioners in the Writ of *Dedimus*, named, maketh Oath, that these Warrants were duly taken, the Vouchers being of full Age. *A. B.*

And *Note*, it is not held necessary to examine a Feme Covert, when she joins with her Husband to suffer a Recovery; yet it is thought to be prudential. *Pract. Reg.* 295.

Now observe, That if your *Dedimus* was only to take the Warrant of the Tenant upon a Recovery with single Voucher, then after it is returned as above by the Commissioners, carry your Caption back again to the Curfitor, who will make you a \* *Mittimus* and Transcript of all your Proceedings.

*Dedimus* upon single Voucher.

\* The *Mittimus* is to send the Tenor or Transcript to the

Common Pleas, folding up the Transcript in the Writ of *Mittimus*, and so he sealeth the Writ of *Mittimus*.

Then proceed to your Writ of Entry, and enter the *Præcipe* upon the Remembrance, and make the Note in the Margent thus:

4

*Petens*



*Petens in propria persona tenens per A. B. voc  
Cord Client.*

The Entry of  
the *Mittimus*  
begins thus:  
*Dom' Regin'*  
*mand' Justic'*  
*suus de Ban.*  
*ro Brebe*  
*suum et'm in*  
*bet verba;*  
and so recite  
the *Mittimus*,  
&c. See after.  
Note, You  
have only a  
Transcript of  
the *Dedimus*.

*Note*, You must open your *Mittimus* and then file the Writ of Entry and *Mittimus* together, and deliver them with the Remembrance to a Serjeant, and so the Recovery passeth as the Manner is at the Bar. Then you must enter your *Mittimus* and Transcript in a small Hand upon the Plea-Roll (taken from the Prothonotary) beginning with the *Mittimus*, which having recorded *verbatim* & *literatim*, then in one continued Line, begin, and go on with the annexed Transcript of the Writ of *Dedimus*, and do the like to the End, and then about a Thumb's Breadth Distance begin underneath, and make an Entry of your Recovery in great Hand on the same Roll, and then prepare for your Exemplification, &c. as before directed.

*Note*, Remember to file your Warrant of Attorney with the Clerk of the Warrants.

See more of Proceedings when the Tenant cometh not in Person, but by Attorney, when the Recovery is with single Voucher.

*Quere* of this.

*Dedimus* upon  
double Vou-  
cher.

But if your Recovery be with double Voucher (which is most usual) and the Tenant to the *Præcipe* do not appear at the Bar; then you must proceed as followeth: You must sue out a Writ of Summons against the Vouchee together with a *Dedimus Potestatem*, as before directed, to take the Warrants: And at the fifth Return inclusive from the Writ of Entry (accounting that of the Writ of Entry for one) the Writ of Summons returned together with a Transcript of the Entry of the Summons being fairly ingrossed, and a Transcript of the Caption being as before, made by the Curfitor,  
being

being all fixed together, you may so pass at the Bar.

But *Note*, That if your Tenant do appear at Bar, then you must have a Writ of Summons against the Vouchee, and so against every Vouchee, except the Common Vouchee, if it be with more Vouchers, and proceed therein as before directed. See for the Entry of these after.

*Note*, No Summons or Warrant against the Common Vouchee.

You must make due Entries upon Record of all your Proceedings as they go on.

*Note*, Having ingrossed your Summons in Parchment, you may examine it by the Roll with the Prothonotary. In like Manner you may pass it at the Bar by the Return of the Caption, before you have a Transcript thereof from the Cursitor, as well as afterwards.

See more hereafter of the Entries and Proceedings when the Warrants are taken by *De-dimus Potestatem*.

Having necessarily spoken before of Writs of Entry, Summons and Seisin; I will next set down the Forms thereof with some Observations thereon.

And first of a Writ of Entry; yet 'tis the Business of the Cursitor of the County where the Lands lie to make it.

The Form of a Writ of Entry out of the Chancery.

**A** Pna Dei gra Angl' Scot' Franc & Hi-  
bern'ie Regina fidei Defens', &c. Uti  
Nob' saltem Precipe A. B. quod iuste & sine  
dilatione reddat C. D. quatuor messuagia quatuor  
gardina ducentas acras terre centum acras prati  
trescentas acras pasture quadraginta acras bosci &  
tres

trescentas acras sampnoꝝ & buere cum p̄lū in  
 C. que clamat esse jus & hereditatem suam Et in  
 que idem A. non habet ingressū nisi post disseissinam  
 quam Hugo Hunt inde injuste & sine iudicio fecit  
 p̄fati C. D. infra trigint' annos jam ult' elapsū  
 ut dic' Et unde queritur quod p̄dict' A. B. ei  
 defoz' Et nisi fec' Et p̄dict' C. D. fec' te secur'  
 de clam' suo p̄os tunc sum' per bonos sum' p̄s-  
 dict' A. B. quod sit coram Justic' nostris apud  
 Westm' a die Sancti Michaelis in tres septima-  
 nas ostensur' quare non fec' Et habeas ibi sum'  
 & hoc Breve Teste nobis ipsis apud Westm,  
 &c.]

It is returned thus:

Pleg de P̄os { Johannes Doe,  
 Richardus Roe.

Sum' { Johannes Den.  
 Richardus Fen.

R. S. Ar' Wic

The Form of a Writ of Summons out of the  
 Common Pleas.

**A** P̄na Dei gratia Anglie Scotie Francie &  
 Hibernie Regina Fidei Defensor, &c. Wic'  
 Wido salutem Sum' per bonos sum' J. S. (the  
 Vouchee) quod sit coram Justic' nostris apud  
 Westm' in \* Octab' Sancti Martini ad war-  
 rantizandum A. B. quatuor meluagia quatuor gar-  
 dina ducentas acras terre centum acras p̄ati tres-  
 centas acras pasture quadraginta acras Bosci & tres-  
 cent' acras sampnoꝝ & buere cum p̄lū in C.  
 que

Note, There  
 were formerly  
 nine Returns  
 between the  
 Return of the  
 Writ of Entry  
 and Return of  
 the Writ of

que C. D. in Cur' nra coram Justic nostris apud  
Westm claud ut jus suum versus p'sat A. B. p  
b'reve nostrum de ingressu super disseisinam in le  
post Et unde idem A. B. in ead Cur nra voc p  
J. S. Sumd in Con' tua ad Warr' versus eum Et  
habeas ibi sumd & hoc b'reve Teste W. Treboz  
apud Westm + vicesimo quarto die Decobris Ans  
no Regni nri primo.

Summons, and  
so betwixt one  
Writ of Sum-  
mons and ano-  
ther. But by the  
Statute 17 Car.  
2. c. 6. they are  
abridged to five  
Returns inclu-  
sive; as for Ex-  
ample, if the  
Writ of Entry  
be returnable

Tres Mich' then the Writ of Summons must be returnable Octab. Martini; if the  
Writ of Entry Mens' Mich. then the Summons Quinden' Martini; if the Writ  
of Entry Crastin' Animarum, then the Summons Octab. Hill. accounting the Re-  
turn of the Writ of Entry for one, and then the fifth Return is the Summons;  
and so it is betwixt one Summons and another.

+ The first Writ of Summons must bear Teste the fourth Day from the Return  
of the Writ of Entry; and so a second Summons from the Return of the first.

And it is returned after this Manner:

Sumd { Johannes Denn, } R. S. Ar. Wic  
Richardus Fenn. }

The Returns of the Four Terms.

	Tres Mich.	a die S. Michaelis in tres septiman.
	Mens' Mich.	a die S. Mich. in unum Menssem.
Mich.	Crast. Anim	in Crastino Animarum.
	Crast. Part	in Crastino Sancti Martini.
	Octab. Part.	in Octab. Sancti Martini.
	Quind' Part.	a die S. Martini in quindecim dies.
	Octab. Hill.	in Octab. Sancti Hilarii.
Hill.	Quind. Hill.	a die S. Hilarii in quindecim dies.
	Crast. Pur	in Crastino Pur' beatæ Mariæ Virg.
Term.	Octab. Pur	in Octab. Pur' beatæ Mariæ Virginis.



Easter Term.	Quint Pasch.	a die Pasch. in quindecim dies.
	Tres Pasch.	a die Pasch. in tres septimanas.
	Unus Pasch.	a die Pasch. in unum mensem.
	Quinq; Pasch.	a die Pasch. in quinque septimanas.
	Crast. Ascend	in Crastino Ascensionis Domini.
Trin. Term.	Crast. Trin	in Crastino Sanctæ Trinitatis.
	Octab Trin	in Octab. Sanctæ Trinitatis.
	Quint Trin	a die Sanctæ Trin. in quindecim dies.
	Tres Trin	a die Sanctæ Trin. in tres septimanas.

The Form of a Writ of Summons for the  
second Vouchee.

\* The fifth  
Return from  
the first Sum-  
mons inclusive.

**A** R R A (&c.) Vicecomit pidd salutem  
sum per bonos sum T. W. (the second  
Vouchee) quod sit coram Justic nostris apud  
Westm in \* Crastino Pur Beate Marie Virgi-  
nis ad warrantand J. S. quem A. B. als in  
Cur nostra coram Justic nostris apud Westm  
vic ad war' quatuor Mesuagia, &c. (naming  
the Parcels) cum pertind in C. que C. D. in  
Cur nostra coram Justic nostris apud Westm  
clard ut sus suum versus predict A. per breve  
nostrum de ingressu super Disceissnam in le post  
Et unde idem J. in eadem Cur nostra ulterius  
hoc predict T. W. sum in Cord tuo ad war ver-  
sus eum Et habeas tibi sum & hoc breve Teste R.  
Rebo; apud Westm vicesimo primo \* die Ro-  
beris Anno Regni nostri secundo.

\* Teste the 4th  
Day from the  
Return-Day of  
the first Sum-  
mons inclusive.

sum { Jo. Denn, } R. S. Ar Vic  
{ Ric. Penn. }

The

The Form of a Writ of Seisin.

**A** Qua Dei gra Angl' Scot' Franc & Hibnie  
Regina Fidel Defens, &c. Wic Wids  
saltem Scias quod C. D. in Cur nostra coram  
Justic nostris apud Westm recuperabit seisinam  
suam versus A. B. de quatuor Mesuagiis quatuor  
gardinis, &c. (naming the Parcels) p breve  
nostrum de ingressu super disseisinam in le post i-  
deo tibi precepimus quod prefat C. plenar seisinam  
de Tenementis predictis cum pñd sine dilacione  
habere fac & qualiter hoc precept nostr' fueris execut'  
constare fac Justic nostris apud Westm \* indil-  
late Et habens tibi hoc breve Willel' T. Trebor a-  
pud Westm quinto die Febr' Anno Regni nri levo.

\* Indilate, be-  
cause not 15  
Days in Hill.  
Term from the  
Tesse. The Tesse

being the fourth Day inclusive from the Return of the second Summons, if not Sunday.

The Return of the Writ of Seisin is after  
this Manner:

**V**eritate istius brevis mihi directi \* decimo die  
Februarii Anno infrascripti habere feci in-  
frascriptat C. D. plenar Seisinam de Tenemen-  
tis infrascript cum pñd pnt interius mihi percipitur.  
R. S. Ac Wic.

\* Any reason-  
able Day be-  
tween the Tesse  
and Return, so  
it be not Sun-  
day as is before  
observed.

The Manner of entring these Writs you  
will find amongst the Precedents of Entries  
following; as also the Form of a *Mittimus*  
and *Dedimus* spoken of before, and the Man-  
ner of entring the same.

*Proceedings in a Recovery with single Voucher,  
when the Tenant cometh not in Person, but by  
Warrant of Attorney taken before a Judge.*

First draw your Warrant of Attorney in  
Parchment, as before observed fol. 204, thus:

Ebor. ff. **P** Recipe C. D. Arm qd iuste, &c.  
reddat A. B. Sed viginti mesuag'  
& quinque Gardina cum pnd in C. que clam,  
&c.

Ebor. ff. **C** D. Arm pō lo. suo F. C. & D.  
I. consundim & divisim versus  
A. B. Sed de plico terre.

Capit & cognit' decimo die Augusti  
Anno Regni Dni Anne Regine  
nunc, &c. secundo coram

J. T.

There must be also a Transcript of this  
Warrant in Paper, to which the Judge sets  
his Hand for the Clerk of the Fines.

See before, fol.  
204, 209.

When a Warrant is acknowledged, then  
sue forth your Writ of Entry, as is before ob-  
served, and take a Note of it into the Re-  
membrance as before, and a Note into the  
Margin thereof after this Manner:

Ebor. ff. **T** Enens in prop' psona voc' Cnd  
Clerk, &c.

Then you may pass it at the Bar, as the  
Manner is.

Next prepare for your Entry on the Plea-  
Roll after this Manner.

Ebor'



**A** Ebor' ff. **B.** gen in propria persona sua  
pet vers **C. D.** Ann' viginti  
Mesuagiae & quinque Cardina cum pertin in **C.**  
ut jus & hereditas suam **C.** in que idem **C.** non  
habet ingressum nisi post disseisinam quam Hugo  
huit inde injuste & sine iudicio fecit prefat **A.**  
infra triginta annos, &c. Et unde dic' quod ipse  
met fuit seisi' de Tenementis p'ed cum pertin  
in dominio suo ut de feodo & jure tempore pacis  
tempore Domine Regine nunc capiend inde ex  
ple's ad valenc', &c. Et in que, &c. inde produc  
sec', &c.

Et predict **C. D.** per **J. G.** Atto'nd suu' ven  
& defend' jus suum quando, &c. Et hoc inde  
ad **Warr' Edm' Clent** qui p'elens est hic in **Cur'**  
in prop' person' sua Et gratis Tenta p'ed cum  
pertin et warr', &c. Et super hoc p'ed **A. B.**  
pet vers ipsum **Edm' Teneu** per **Warr'** suam  
tenta predict cum pertin in forma predict, Et  
unde dic' quod ipsemet fuit seisi' de tentis p'ed  
cum pertin in dominio suo ut de feodo & jure  
tempore pacis tempore Dne Regine nunc capi  
end inde exple's ad valenc', &c. Et in que &c. Et  
inde produc' sextam, &c. Et predict **Ed'us** tenens  
per **Warr'** suam defend' jus suum quando, &c. Et  
dic' quod p'ed Hugo non disseisibit prefat **A.** de  
tentis p'ed cum pertin prout idem **A.** per h' &  
narr sua p'edia' supius suppon' Et de hoc pon' se  
super patriam Et predict **A.** per licentiam inde  
interloquendi Et habet &c. Et postea idem **A.** re  
ven' hic in **Cur'** isto eod' Termin' in propria per  
sona sua Et predict **Ed'us** licet solampnit' exat'  
non rebed' sed in contempt' **Cur'** recessit Et de  
falc' fecit **Joed** cons' est quod p'ed **A.** recuper' seisi  
nam suam vers' p'fat **C.** de tentis p'ed cum p'ed  
Et quod idem **C.** habeat de terra p'ed **Commun'**

Tenant calls  
Common Vou  
chee,

who enters in  
to Warranty,

pleads non dis  
seisuit

Demandant  
impars.

Common Vou  
chee makes de  
fault. Judg  
ment and Re  
covery in va  
di luc.



di ad valentiam, &c. Et idem Comes in Writ,  
 &c. Et super hoc idem A. pet. h. d. D. d. Regi-  
 na Ric. Com. predict. dirigend. de habere facient  
 et plenar. seisinam de centis predict. cum p. r. i. d.  
 Et si conceditur recognabile hic a die h. d. Ric.  
 in Tres septimanas An quem diem vend. hic in  
 Cur. predict. A. in p. r. o. p. s. person. sua Et sic vis-  
 del. J. S. H. ar. mod. man. quod ipse tunc h. d.  
 predict. sibi direct. octavo die Junii uli. p. r. e. f. i. t.  
 habere se. p. r. e. f. a. t. A. plenar. seisinam de centis  
 p. r. e. d. cum p. r. i. d. p. r. o. u. t. per h. d. illud p. r. e. p. t. u. m. f. u. i. t.  
 &c.

*Note,* Seisin may be said to be return'd any  
 reasonable Time betwixt the *Teste* and Re-  
 turn of the Writ, which must bear *Teste* the  
 fourth Day from the Return of the Writ of  
 Entry.

Next perfect your Remembrance, and  
 make your Exemplification as before direct-  
 ed, and seal and file your Writs and War-  
 rants of Attorney, &c.

*Proceedings when the Tenant cometh not in Per-  
 son, but by Attorney, when the Recovery is  
 with single Voucher taken by Dedimus to spe-  
 cial Commissioners.*

Sometimes the Tenant appeareth not at the  
 Bar in Person, but cometh by his Attorney  
 made by Warrant acknowledg'd before the  
 Chief Justice, Justice of Assize, or Serjeant  
 at Law, or special Commissioners, as before.

*Form of the Warrant in the Case aforesaid.*

Ebor. H. **P**recipe H. C. Ar quod iuste, &c. R.  
 H. viginti meluag & quinq. gat-  
 dina cum p. r. i. d. in A. q. claud, &c.

Ebor'

Ebor' ff. **H** Er' C. Ac' po. lo. suo H. B. &  
 H. W. H. conjunctim & divisim &  
 sus R. H. de plico terre, &c.

*Note,* When this Warrant from the Tenant is to be taken before a Serjeant or special Commissioners, then a *Dedimus potestatem* must be sued forth.

*Note,* Some hold that a Serjeant may take without a *Dedimus*, *sed quare*.

The Execution whereof is as before, and a *Mittimus* and a Writ of Entry; and if it be a single Voucher, then the Note of Entry must be thus:

*Petens in pp' psona Tenens p' Henricum Bar-*  
 hour voc' Humpston, or Johanne Wheeler,  
 i. e. the Common Vouchee.

Single Voucher  
 by *Dedimus*

Then file the Writ of Entry and *Mittimus* together, and deliver them with a Remembrance to a Serjeant, and so the Recovery passeth at the Bar. Enter the *Mittimus* thus in a small Hand:

*Domina Regina mand' Justic' suis de Banco*  
*hic brev. suu de Mittimus clausam unam renoze*  
*cusdam brevis de Deo Pot de war' Actord recti*  
*plend & reord' esultu' necton war' Actord inde*  
*recept in her verba, Anna, &c. So reciting it*  
*with the Dedimus to the End, and then about*  
*an Inch under enter your Recovery in large*  
*Hand thus.*

Ebor' ff. **R** H. in propria persona sua vel &  
 sus H. C. Ac' vigint' Petuag  
 (ut antea) Et predict' H. p' H. B. Actord suum  
 vend' & defend' sus suum quando, &c. Et voc' in-  
 de ad war' Georgium Humpston qui p'sens (ut  
 antea.)

Remember to file your Warrant of Attorney with the Clerk of of the Warrants (as before.)

*Proceedings when neither the Tenant nor Vouchee cometh in Person, but by Warrant of Attorney, when the Recovery is with double Voucher, the Warrants taken before a Judge.*

Now when the Recovery is to be with double Voucher, and if neither the Tenant nor Vouchee appeareth in Person, then the usual way is for both of them to acknowledge Warrants of Attorney, which if acknowledged before the Chief Justice, or Justice of Assize, the Form of them is thus.

Double Voucher by Warrants before a Judge.

Wils' ff. **P**recipe J. quod iuste, &c. reddat R. C. unum mesuag. & decem ac. terr. cum pertind in M. & S. que claud, &c.

Wils' ff. **I**tem. po. lo. suo R. R. & T. T. Ac. totum suos conjugum & divisum sicut R. C. de plico terre, &c.

Wils' ff. **H** Morgan quem J. M. voc. ad. war po. lo. suo R. B. & J. P. conjugum & divisum versus R. C. de plico terre, &c.

Capit & cognit 10 die August' Anno Regni Domine Regine Anne 14 coram.

N. Wright

J. Willis,  
Henr' Morgan.

When



When the Warrants are acknowledged, then the Writ of Entry is to be sued forth, and a Note of it taken into the Remembrance, and the Note in the Margin must be in this manner:

*Petend in propriis personis Tenent p A. R. voc  
Hend Morgan unde sum in Com ptes ret  
Da Martini.*

This is not drawn at the Bar until the Return of the summons. But an Entry must be made upon the Roll of the Demandant, and the Count against the Tenant, and the Tenant's Voucher over; and the awarding of the Summons against the Vouchee as followeth.

Wilks' ff. **R**. C. in propria persona sua per S. sus J. W. unum meluagium (ut antea) Et inde pduc legam, &c.

Et ptes p J. A. R. Attorn suum vend & defend sus suum quando, &c. Et voc inde ad war Hendricum Morgan sum in Com ptes & habeant eum hic in Oct Martini p auxilium Cur &c. Idem dies dat est partibus ptes hic &c. A Transcript of this must be made, and a Writ of Summons as before, Then file the Writ of Summons to the Transcript with the Warrant, and at the Return of the Writ, deliver these thus filed together to a Serjeant at the Bar, and the Recovery will pass the Bar.

The



The 2d Entry of a Recovery, when both the Tenant and Vouchee come by Warrant of Attorney.

Wils' ff. **R**ichardus Ellis in ppria persona sua per' versus Johem W. u- num mesuagium & decem acres terre cum pertind in M. & S. ut jus & hereditatem suam Et in que idem Johannes non habet ingred nisi post disseissinam quam Hugo Hunc inde injuste & sine iudicio fecit prefat R. infra triginta annos, &c.

Et predict J. per R. B. Attorn suum vend & alias voc inde ad war Venticum Polgan qui modo per suum et in Comd p'ed sciam per W. S. Attorn suum filit' vend Et gratis (ut in al') Et inde pduc sea', &c.

Et p'ed Henr Tenens p war suam defend jus suum quando &c. Et ultius voc inde ad war Georgid \* Humpston qui plens est hic in Car in ppria plona sua Et gratis (ut antea) to the Return of the Writ of Seisin.

\* The Common Vouchee.

Double Vou-  
cher by Dedi-  
mus before  
Commissioners

*Proceedings in a double Voucher when the Warrants are taken before a Serjeant or special Commissioner by Dedimus Potestatem.*

*Dedimus Potestatem to take a Warrant for the Tenant.*

**I**F the Warrant for the Tenant and Vouchee be taken before a Serjeant at Law, or before a special Commissioner, then first sue forth a Commission for taking of a Warrant for the Tenant; then ingross the Warrant in Parchment, and after the Commission is returned, sue forth a Mittimus with a Writ of Entry, &c. This is not to be drawn at the Bar till the Return of the Vouchee's Summons, then an Entry must be made of the Mittimus, and of the Demand,

Demand, Count and Voucher, with Award of Summons, against the Vouchee, (as when the Warrant is taken before a Judge,) then a Transcript and a Writ of Summons, as when before a Judge; Then a *Deu Potestat* for the receiving the Warrant of Attorney for the Vouchee, as before, and the Warrant to be ingrossed as before, and the *Deu Potestat* to receive the Warrant for the Vouchee, being returned with a *Mittimus* thereupon, Proceedings at the Bar, and Entry of the Recovery are as before, when the Writs are taken before a Judge. *See the form of the Entries next following.*

*Dedimus Potestatem* for the Vouchee.

The Form of a Recovery with double Vouchers, where the Tenants appear by Attorney, and the Vouchers upon Summons with the manner of entering the *Mittimus* and Transcript, and *Dedimus Potestatem* for the Tenant and Vouches.

Staff ff. **P**Recipe Johi Lutwich sen gen & Radulpho Exereton gen quod su ste, ac. reddant Benjamin' Thornbury Armig & Johanni Broughton generolo lex meluagia ser gardina viginti acras terre viginti acras prati sexaginta acras pasture communiam pasture pro omnibus averiis & communiam curbarie cum pertinentiis in Parre Choleton Eccleshal Darleston & Dunclepy que clard, &c.

The Præcipe and Note to be taken into the Remembrance

Detens in propria persona Tenens per Thom' Hunt & W. Mildebor' Johannem Lutwich jun. & Editham uxorem ejus sum' in Com' pzed' Dct. Martini.

Ad barr'

After your Commission for the Tenant is returned, and *Mittimus* and Writ of Entry sued forth, then you must enter your *Mittimus*, and the Demand, Count and Voucher with

The Writ of Entry was returnable *Tres Mich.*

with an Award of Summons against the Vouch-  
 chee upon a Plea-Roll beginning in a small  
 Hand thus, viz.

Domina Regina mandavit Justic suis de Ban-  
 co hic brebe suum de Mittimus clausum unacum  
 tenore ciusdam brevis ipsius Domine Regine  
 Dedimus Potestatem de warrant Attoꝝ excipie-  
 end, & Retoꝝ ejusdem Person warant Attoꝝ  
 inde recepit in hec verba Anna Dei Gratia Anglie  
 Scotie Francie & Hibernie Regine Fidel Defen-  
 sor, &c. Justic suis de Banco salutem, &c. And  
 so enter the Mittimus and Transcript of all  
 the Proceedings for the Tenants in a small  
 Hand upon the Plea-Roll, beginning with the  
 Mittimus (which is the least of the Writs, and  
 filed backwards) which having entred *verbatim*,  
 then in one continued Line begin, and go  
 on with the annexed Writ of Dedimus,  
 and do the like to the End of the Caption,  
 coram.

A. B.

C. D.

And then begin a new Line, and enter the  
 Count, Voucher and award of the Summons  
 in great exemplifying Hand thus, viz.

Staff. ff. **B** Ensamín Thornbury Armig &  
 Johannes Broughton generosus in  
 propriis personis suis petunt versus Johannem  
 Lutwich seniozem generosum & Radum Exeteton  
 generosid sex mesuagia sex gardina viginti accas  
 tre viginti accas prati sexaginta accas pasture  
 coiam pasture pro omnibus averiis & cōtiam tur-  
 barie cum p̄ciū in Parre Cholers Ecclesiam  
 Darleston & Duneley ut jus & hereditatem suam



& in que idem Johannes & Radus non habent ingressum nisi post disseissinam quam Hugo Hanc inde injuste & sine iudicio fecit prefat. Benjami-  
ni & Johanni Broughcon infra triginta annos &c. Et unde dicunt quod ipsimet fuerunt seisset de redditis & communis pcedia cum perit in do-  
minico suo ut de feodo & iure tempore pacis tem-  
pore Domine Regine nunc capiend inde explez  
ad valentiam, &c. Et in que, &c. & inde produc  
sedam, &c.

Et predict. Iohes & Ricus per Thord Hunc  
Act suum veni & defend jus suum quando, &c. Et  
voc inde ad warr Johannem Lutwich Jun & E-  
ditham ux' ejus suum in Comd pced & habeant  
eos hic in Odañ St Martini per auxilium Cur  
&c. Idem dies dat' est partibus predict. hic, &c.

Next your Dedimus Potestatem to receive  
the Warrant, for the Vouchee being returned  
and the Mittimus thereupon made out, and  
the Recovery passed at the Bar, as is before  
in this Case observed; then you must make  
an Entry of your Mittimus, Transcript and  
whole Recovery either on the same Roll, be-  
ginning within an Inch, if it will hold it, or be-  
gin on another to be join'd to it; and you  
must begin as before, in small Court Hand  
to the End of the Caption of the Dedimus,  
as followeth.

The Form of entering the Mittimus and  
Transcript for the Vouchees.

**D**omina Regina mandabit Justic suis de  
Banco hic breve suum de Mittimus clau-  
sum unacum tenore ejusdam brevis ipsius Und  
Regine de Dedimus Potestatem de warrant Ac-  
toz recipiend & retorn ejusdem Recnon war-  
rant Actoz inde recept' in hec verba Anna Dei  
Gratia



Gratia Anglie Scotie Francie & Hibernie Regina  
Fidei Defensor, &c. Justic suis de Banco salu-  
tem Tenores &c. (And so recite the *Mittimus*  
*verbatim usq;*) Anno Regni nostri secundo Bea-  
croft Anna Dei Gratia Anglie Scotie Francie  
& Hibernie Regina Fidei Defensor, &c. dilecto  
& fideli suo Thome Whitgrave Militi ac dilectis  
sibi Danieli Payler &c. And so enter the Tran-  
script *verbatim*, as you are directed, viz. in  
the small Hand, and then (leaving about a  
Thumb's Breadth Distance) enter the Reco-  
very in the exemplifying Hand, as you find  
it in page 224.

But first observe the Forms of the War-  
rants of Attorney that were taken in this Re-  
covery, which are not to be thus entred on  
the Roll, but only set here for the better un-  
derstanding this Precedent.

Warrant' Attorn' pro tenen'

Staff. ff. **P**recepto Johanni Lutwich seniori  
generoso & Rado Bzereton gene-  
roso quod iuste, &c. reddant Benjamin' Thozn-  
bury Arm' & Johanni Broughton generoso sex  
meluagia sex gardina viginti acras p'art sexaginta  
ta acras pasture coiam pasture pro omnibus a-  
beris & coiam turbarie cum percin in Wapre  
Choleton Eccleshal Darleston & Duneley que  
cland, &c.

Staff. ff. **J**ohannes Lutwich senior generosus &  
Rados Bzereton generosus po. lo. suo  
Thomam Hunt & Willm Wilde conjunctim &  
divisim versus Benjamin' Thoznbury Arm'  
& Johannem Broughton generosum de placito tene-  
re, &c.

Capit'

Capit' & cognit' primo die Pass Anno  
Regni Regine Anne primo coja

A. L.

T. F.

C. H.

Warr' Attorn' pro voc'.

Staff. ff. **P**recepte Johanni Lutwich sen' gene-  
roso & Radu Bzereton generoso qd  
iuste, &c. reddant Benjamin' Thornbury Arm  
& Johanni Broughton gen' sex mesuagia sex gar-  
dina viginti peras terre viginti acras p'aci sexa-  
ginta acras pasture communiam pasture pro om-  
nibus avertis & colam turbarie cum p'ertin' in  
Pape Choleton Ecclesial Darleston & Duneley  
& claud, &c.

Staff. ff. **J**ohannes Lutwich junior genero-  
sus & Editha uxor ejus quos Johanes  
Lutwich generosus & Radus Bzereton gene-  
rosus voc' ad war' p' lo. suo Robertum Cup & P.  
C. conjunctim & divisim versus Benjaminem  
Thornbury Armigerum & Johannem Broughton  
generosum de placito terre, &c.

Capit' & cognit' ut supra.

Staff. ff. **B**enjamin Thornbury Armig' &  
Johannes Broughton generosus in  
p'p'itis personis suis petunt versus Johannem  
Lutwich seniozem generosum & Radum Bze-  
ton generosum sex mesuagia sex gardina viginti  
acras terr' viginti acras p'aci sexaginta acras pa-  
sture communiam turbarie cu' p'ind in Pape  
Choleton Ecclesial Darleston & Duneley ut sus  
& he-

Then Recove-  
ry to be entred  
in great exem-  
plifying Hand.

& hereditatem suam & in quolibet Johannes & Radus non habent ingressum nisi discretam quam Hugo Hunc inde iniuste & sine iudicio fecit prefat' Benjamin' & Johann' Broughton infra triginta annos, &c.

\* Note, Upon the 2d Count in this sort of Entry, you go no farther than *triginta annos*, &c. and then on a new Line you begin the Appearance of the Tenant continuing in great Hand, as in this Precedent.

Et predicti Johannes Lutwich & Radus per Thomam Hunc Attornium suum vendit & alias vocat inde ad warr Johannem Lutwich juniozem generosum & Editham uxorē ejus qui modo per lund eis in Comitatu predicto fact per Robertum Guy Attornium suum similiter vendit Et gratis tēta & communias predictas cum pertinet eis war, &c. Et super hoc predicti Benjamin & Johannes Broughton petunt versus ipsos Johannem Lutwich juniozem & Editham tenent per warr suam tēta & communias predictas cum pertinet in forma predicta, &c. Et unde dicunt quod ipsimet fuerunt seisciti de tenementis & communis predictis cum pertinet in dominico suo ut de feodo & jure tempore pacis tempore Dñe Regine nunc capiendū inde expleat ad valentiam, &c. Et in que, &c. Et inde producat sectam, &c.

Et predicti Johannes Lutwich junior & Editha tenent per warr suam defensū suū suū quando, &c. Et ultius vocat inde ad war Edmundum Clent qui presens est hic in Curia in propria persona sua Et gratis tēta & communias predictas cum pertinet eis war, &c. Et super hoc predicti Benjamin & Johannes Broughton petunt versus ipsum Edmundum tenent per war suam tēta & communias predictas cum pertinet in forma predicta, &c. Et unde dicunt quod ipsimet fuerunt seisciti de tētis & communis predictis cum pertinet in dominico suo ut de feodo & jure tempore pacis tempore Domine Regine nunc capiendū inde expleat ad valentiam



lenciam, &c. Et in que, &c. Et inde producit  
legam, &c.

Et predictus Edmundus tenens per iuram suam  
defensum suum quando, &c. Et dicit quod pre-  
dictus Hugo non discessit p[re]fatus Benjaminem &  
Johannem Broughton de tenementis, & commu-  
nibus p[re]dictis cum p[re]dictis p[re]fatis Benjamin & Johan-  
nes Broughton p[er] breve & narrationem sua p[re]dicta  
superius supponit Et de hoc p[re]dicto se super patiam,  
&c.

Et p[re]dicti Benjamin & Johannes Broughton pe-  
tunt licenciam inde interloquendi Et habeant, &c.  
Et postea iidem Benjamin & Johannes revent  
hic in Cur[ia] isto eodem Termino in p[re]missis per-  
sonis suis Et p[re]dictus Edmundus licet solemniter  
exat[us] non revent sed in contemptu Cur[ie] recessit  
& defalt fecit Ideo cons[ider]at[ur] q[uo]d p[re]dicti Benjamin  
& Johannes Broughton recuperent seisinam suam  
sicut p[re]fatus Johannem Lutwich senior & Radum  
de t[er]ritis & communibus p[re]dictis cum p[re]dictis & q[uo]d li-  
dem Johannes & Radus habeant de terra p[re]dicta  
Johannis Lutwich junioris & Editha ad valenciam,  
&c. Et quod iidem Joh[ann]s Et Editha habeant  
de Terra p[re]dicti Edmundi ad valenciam, &c.  
Et idem Edmundus in misericordia, &c. Et  
super hoc p[re]dicti Benjamin & Johannes Brough-  
ton petunt h[ab]ere D[omi]n[u]m Regine de habere faciens eis  
plenam seisinam de t[er]ritis & communibus p[re]dictis ad  
p[re]dictum vic[um] Com[un]is p[re]dicti dirigens Et eis conceditur  
retornabile hic indilate, &c. Postea scilicet vicesi-  
mo octavo die Novembris isto eodem Termino  
venit hic in Cur[ia] p[re]dicti Benjamin & Johannes Brough-  
ton in p[re]s[ent]ia p[re]fatis & alie videlicet Richardus  
Creswell Ar[chie]p[iscopu]s modo mansit quod ipse vicente  
h[ab]ebis p[re]dicti sibi direct[us] 25 die Novembris ult[imo] p[re]fatis

\* Thus far in  
great Hand,  
and then on  
the same Line  
write on in  
small Hand,  
Et super hoc, to  
the very End.

R

III



fit habere fec' p'fat' W'end' & Jo. B. plenar' testand'  
de tēctis & communis p'dict' cum p'cid' pat' p' h'c  
illud sibi p'ceptum fuit, &c.

This is the Form of Entry and Proceedings,  
when the Warrants both for Tenants and  
Vouchees are taken by *Dedimus*; but if your  
Tenant appeared in Person, or on a Warrant  
taken before a Judge, and the Vouchee upon  
a Summons by Warrant taken by *Dedimus*,  
then you make your Entry on the Plea-Roll  
after this Manner,

First you begin in great exemplifying Hand  
thus,

Ret' 15 Pasch.

Cornub. ff. **A.** B. in p'pria persona sua per'  
versus C. D. Gen' unum me-  
suag', &c. to the End of the Count Et inde  
p'ducit testam, &c.

Et p'dict' C. p' J. G. Attoz'n suum vend' & de-  
fend' suum quando, &c. Et hoc inde ad war'  
J. L. sum' in Cord' p'dict' & habeat eum hic Cro-  
Ascenc' Domini p' auxilium Cur', &c. idem dies  
dat' est p'actibus p'dict' hic, &c.

Then you may on the same Roll within  
an Inch begin to enter the *Mittimus* and  
Transcript in a small Hand thus.

**D**omina Regina mand', &c. as before to the  
End of the Caption, coram nobis W.  
B. R. P. S. S.

Then within an Inch begin in great exem-  
plifying Hand, and so continue to the End  
of your Recovery thus,

Sum' res Cro-  
Ascenc'.

Cornub. ff. **A.** B. in p'pria p'sona sua per'  
versus C. D. gen' unum me-  
suagium

suagium, &c. as before to the Words infra  
triginta annos, &c. Then beginning a new  
Line, thus, I shal shew you the Nature

Et p[ro]cur[ator] C. p[ro] R. G. Accord suum vend[er]e a la  
hoc inde ad warr[ant] J. S. qui modo p[ro] sum[us] ei in  
Com[missio] p[ro]cur[ator] facit p[ro] R. G. accord suum sicut vend[er]e  
Et gratis c[on]tra p[ro]cur[ator] cum p[ro]cur[ator] ei warr[ant], &c. Et  
sup[er] hoc p[ro]cur[ator] A. per[petr]at[ur] ver[um] ipsum J. S. tenend[um] per  
warr[ant] suam c[on]tra p[ro]cur[ator] cum p[ro]cur[ator] in forma p[ro]cur[ator],  
&c. Et unde dicunt, &c. (as before to the End  
of the Count) Et inde produc[er]e sec[un]d[u]m, &c.

Et p[ro]cur[ator] J. S. tenens p[ro] warr[ant] suam] defens[us]  
sus suum quando, &c. Et ult[im]us voc[atus] inde ad  
warr[ant] [Johem Wheeler, or such other Vouchee  
as is next] and so go on in great Hand to-  
wards the End of the Recovery until these  
Words Et \* idem Johannes in mia, &c. And  
then on the same Line begin in small Hand  
Et sup[er] hoc p[ro]cur[ator] A. per[petr]at[ur] b[er]e D[omi]n[u]s Regine de ha-  
bere facie[n]d[u]m ei plenar[um] seissinam. &c. (as in o-  
thers to the End) p[ro]cur[ator] p[ro] b[er]e illud sibi p[re]ceptum  
fuit, &c.

\* Note, it is  
now, Et idem  
Johannes in  
mia, &c. John  
Wheeler being  
the Common  
Voucher.

This shall suffice to shew you the Nature  
of the Proceedings and Entries when by De-  
dimus Potestatem.

And as for the Exemplifications of these  
Recoveries, you must begin them thus,

**A** Nna Dei Gratia Anglie Scoc[ie] Franc[ie] & Hi-  
bern[ie] Regina Fidei Defensor, &c. omni-  
nibus ad quos p[re]sentes licet n[ost]re p[re]sencie salu-  
tem Sciatis quod in[ter] placita Tre irrotulata apud  
Westm[onasterium] coram J. T. Ep[iscop]o & sociis suis Justic-  
n[ost]ris de Banco de Termin[is] Anno Regni n[ost]ri  
Rotulo rotin[us] erat sic.

Setting forth  
the Term and  
Year and Num-  
ber-Roll.

R 2

Cornub.

Cornub. ff. **A** B. in propria persona sua per C. D. unum mesuagium, &c. as you find it intire on the last Entry taking no Notice of the *Mittimus* and Transcript of the *Dedimus*. See before for the Form of an Exemplification, and the Instructions for the concluding thereof.

*Proceedings upon a Recovery with double Voucher, when the Tenant cometh in Person and prayeth Summons against the Vouchee, who appeareth by Warrant of Attorney taken before a Judge.*

Observe the Form of entering this Summons and Warrant of Attorney.

Where the Tenant cometh in Person to the Bar, and voucheth, and the Vouchee is not present, there the Appearance of the Tenant is recorded, and a Summons prayed and awarded against the Vouchee; and thereupon the Tenant may put in a Warrant of Attorney at the Bar to appear for him at the Return of the Summons; in which Case the Writ of Entry is to be made, and a Note of it is to be taken (as in other Cases into the Margin of the Remembrance, in this Manner: viz.

**P**etens in propria persona sua tenens in propria persona sua hoc A. B. unde sum in Com' predict' retrogr' Crastino Trin' Et super hoc predict' B. po. lo. suo Henric' T. & A. R. conjunctim & divisim versus prelat' Tho. de predict' placito. Devon. ff. **P**recipe B. quod iuste, &c. reddat A. C. unum mesuag' & decem Ac' Terre cum p'tinend' in C. que claud, &c.

*Nota.*

Note, That a Writ of Summons must be returnable the 5th Return next after the Return of the Writ of Entry, accounting the Return of the Writ of Entry for one of the five, and



and the Return of the Summons for another, and so the five Returns are inclusive.

Then must the Remembrance be delivered to a Serjeant at the Bar who will make the Demand, and Count against the Tenant, and another Serjeant will be for the Tenant, and vouch and pray a Summons against the Vouchee.

Then an Entry must be made upon the Roll of the Demand and Count and Voucher, and Award of the Summons in this Manner.

Devon. ff. **T**homas C. in p[ro]pria p[er]sona sua pet[itur] versus Henr[ic] III. und[er] mes- suagium (in antea) Et inde p[ro]duc[itur] sextam, &c.

Et p[ro]dictus Henricus in p[ro]pria p[er]sona sua vend[it] & defend[it] ius suum quando, &c. Et voc[atur] inde ad war[ant] A. B. sum[us] in Com[uni] p[ro]dict[us] & habeat eum hic in Cro[on] Trid[um] p[ro] auxilium Car[is], &c. Idem dies dat[ur] est partibus p[ro]dict[is] hic, &c. Et sup[er] hoc p[ro]dict[us] Henr[ic] p[ro] lo. suo H. C. & A. R. conjunctim & divisim s[ibi] p[ro]stat[ur] A. de p[ro]dict[is] p[ro]fito, &c.

+ A Transcript of this Entry must be made in Parchment, and then a Writ of Summons must be made against the Vouchee; the Form whereof I have before set down together with the Return.

*Note,* When a Recovery is to pass at the Bar, and the Tenant is ready at the Bar, and there voucheth to warranty A. for whom one is ready at the Bar by the Warrant of Attorney, this is void; for in such Case he ought to appear in Person, because without Summons; but where Summons issueth and is entred on the Roll, there he may appear at the Day in Person or by Attorney, at his Choice.

R 3

The

1 Leon. c. 104.



The next Thing is to prepare for the Appearance of the Vouchee at the Return of the Summons. The Vouchee may appear in Person if he will; but the usual Way is for him to come by his Attorney. The Warrant of Attorney may be acknowledged before the Ld. Chief Justice of the Common Bench, or Justices of Assize in the County where the Land lieth, or before a Serjeant at Law, or before special Commissioners authorized by a Commission or Writ called a *Dedimus Potestatem*, as before is observed.

A Warrant of Attorney for the Vouchee taken before a Judge.

Devon. ff. **P**recipe D. W. qd iuste, &c. red  
E. M. unum meluagium & decem Acc cum pind in C. qd clard, &c.

Devon. ff. **A**. B. quem D. W. voc ad war  
po. lo. suo J. M. & E. I  
conjunctim & divisim versus E. C. de placito  
Terre, &c.

The Warrant being signed by the Vouchee and acknowledged, then the Judge subscribeth his Name; and then the Clerk of the Fines maketh the Transcript of it in Parchment, whereunto the Judge putteth his Hand, and so the Clerk delivers it to the Party or his Attorney, after which you must file the Transcript of the Summons and the Writ together, and at the Return of the Writ deliver them to a Serjeant at the Bar, and so the Recovery passeth: The Entry of it is in this Form:

Entry

Entry of Summons for the Vouchee.

**A**lias prout patet Termino Pathe ult pre-  
terit. Rotulo xl. continet sic Devoid ff.  
Thomas G. in propria persona sua per' versus  
Henric' W. unum Meluagium (and so recite  
the Transcript) versus prefat' Thomam de pre-  
dicto plit. et Et modo hic ad hunc diem scilicet p-  
dict' Crastin' Trin. veni tam predict' Thomas  
quam predict' H. per Henric' W. Actorum tuum Et  
predict' A. sum, et. per Johe'm W. Actorum su-  
um filii veni Et gratis (ut antea) Et inde pduc-  
ter, et.

Et predict' A. tenens per War' suam defend-  
sus suum quando, et. Et ulterius hoc inde  
ad War' G. Humston qui presens est hic in Cur'  
in propria persona sua Et gratis (ut antea, et.)  
to the End of the Return of the Writ of Sei-  
sin.

In this Case of a Recovery by Summons,  
the Writ of Seisin must bear *Teste* the fourth  
Day next after the Writ of Summons, then sign  
and seal your Writ of Summons and Seisin,  
and file them, and file the Warrant of Attor-  
ney with the Clerk of the Warrants; the Writ  
of Entry must be filed in Time.

Next prepare your Exemplification.

*Proceedings in a Treble Voucher when neither the  
Tenant or either of the Vouchees come in Person  
but by Warrants taken before a Judge.*

When the Recovery is to be with treble  
Voucher, and neither the Tenant nor Vou-  
chee do intend to come in Person to the Bar;  
Then they must put in Warrants of Attorney.

When the Warrants are to be taken before the Chief Justice or Justice of Assize, the Form of the Warrant is thus;

For the Tenant. Lincoln' ff. **P**recipe Coram vobis quod iuste, et legitime petens in hoc et clamore, et.

Lincoln' ff. **E**dus vobis per locum suo J. L. et J. A. conjunctim et divisim et suis vobis. C. de p'tito Terre, et.

For the first  
Vouchee,

Lincoln' ff. **J**udex quem C. vobis ad hoc per locum suo J. L. et vobis. B. conjunctim et divisim versus vobis. C. de placito Terre, et. Cap't, et.

For the second  
Vouchee.

Lincoln' ff. **C**oram vobis quem J. D. vobis ad hoc per locum suo vobis. L. et J. C. conjunctim et divisim versus vobis. C. de p'tito Terre, et.

When the Warrants are thus taken, then sue forth the Writ of Entry and take it in the Remembrance, with this Note in the Margent.

Petens in propria persona tenens per J. L. hoc J. D. unde fund in Com media et Cto Martini. Observe that in this Case, the Writ of Entry was returnable, Tres Trin et Car. ff.

Then without drawing at the Bar, an Entry must be made of the Demand, Count, Voucher and Award of Summons against the first Vouchee in this manner.

Lincoln'



Lincoln' ff. **W** C. in propria persona sua pet' versus E. W. decem Mesuagia (ut antea reciting the Demand or Declaration to the End) Et inde pduc' sed', &c.

The first Summons Roll Trin. Term.

Et pduc' E. p. J. L. Attorn' suum vend' & defend' jus suum quando, &c. Et hoc inde ad war' J. D. sum' in com' pduc' habeant etd' hic in Crb' S'ci Mart' p' auxilium Cur', &c. Idem dies dar' est partibus pduc' hic, &c.

Appearance of Tenant and Award of Summons against the first Vouchee returnable Crast. Mart.

Then the Transcript must be made, and the Writ of Summons against J. D. and at the Return thereof, without taking any thing into the Remembrance, or doing any thing in the Court, another Entry must be made with the Award of Summons against the second Vouchee in this manner, upon the second Summons-Roll; for you must make due Entries on Record of all our Proceedings as you go on.

Note, That here the Tenant appeared by Attorney, but when he appears in Person at the Acknowledgment at the Bar, and appears not also at the Return of the Summons in Person, then there must be a Warrant of

Attorney for the Tenant entered upon the first Summons-Roll, as you may see in the next Precedent. See before for the Writ of Summons, and see after pag. 240.

ff. Alias p'out patet Termino S'ci Trin' ultimo preterito Rotulo C. continetur sic Lincoln' ff. W. C. in propria persona sua petit versus E. W. decem Mesuagia (and so take in the whole Record of Trinity Term) Idem dies dar' est partibus pduc', &c. Et modo hic ad hunc diem scilicet pduc' Cro S'andi Martini vend' cum pduc' W. in propria persona sua quam pduc' E. p. Attorn' suum pduc' & pduc' J. suum, &c. per J. S. Attorn' suum alit' vend' & gratis Mesuag' & Tenementa pduc' cum pertind' ei war', &c. Et sup' hoc pduc' W. C. pet' versus ipsum J. D. re- vend'

The second Summons-Roll Mich. Term.



Appearance of  
the first Vou-  
chee and Count.

ben per war' suam *Desuag' & Tenementa pre-*  
*dicta' cum p'cin in forma predicta' &c.* Et unde dicit  
quod ipse fuit seist' de *Desuag' & Tenementis* *pre-*  
*dicta' cum p'cin in dominio suo ut de feodo & ius-*  
*re tempore pacis tempore Dñe Regine nunc ca-*  
*p'ient inde explez ad valentiam, &c.* Et in *G. &c.*  
Et inde p'out' *secundam, &c.*

Summons for  
the second Vou-  
chee returnable  
*Quinden. Hil.*

Et predicta' *J. D.* tenend' p' war' sua' defend' ius  
sua' quando, &c. Et ulterius voc' inde ad war' *C.*  
*D.* sum in Com p' & habeat eum hic a die *Sci*  
*Hil.* in quindecim dies p' auxilium Cur', &c. Item  
dies dat' est p'ibus p'ol' hic, &c.

*Observanda.*

Then make a Transcript of this Entry and  
a Writ of Summons against *C. D.* the 2d Vou-  
chee. Returnable *Quind. Hil.* See before for  
the Writ of Summons for the second Vouchee.

This Writ must bear *Teste* the 4th Day next  
after the Return of the former Writ of Sum-  
mons against the first Vouchee, and must be  
returnable the fifth Return next after inclusive.

Then file the Transcript and this second  
Writ of Summons, (the former Writ of Sum-  
mons, and Writ of Entry being filed with the  
*Custos Brevium*) with the Warrants of Attorney  
together, and at the Return of the Summons,  
deliver all to a Serjeant at the Bar, and so the  
Recovery passeth.

When all this is done, the Recovery must  
be entred thus, on a third Roll as of *Hilary*  
Term.

Alias prout patet *Termino sancti Michis*  
ult' p'eterit' Rotulo *rl.* continetur sic. Alias pro-  
ut patet *Termino Sancte Trinitat'* ult' p'eterit'  
Rotulo *C.* continetur sic. *Lincoln. H.* (and  
so take in the whole Record of *Michaelmas*  
Term)

Term) Idem dies datus est partibus predicta' hic, sc. Et modo hic ad hunc diem scilicet predicta' fr. Sancti Villarii vend tam predicta' Willus in propria persona sua quam predicta' Edrus & Iohes p. Artoz in suos p. Et predicta' Cornelius sunt, sc. per Willum E. Artoz sum' similiter vend & gratia (ut antea) Et inde producat sententiam, sc.

Et predicta' Cornelius tenens per war' suam defendit ius suum quando, sc. Et ulterius hoc inde ad war' Edmund' Clent qui presentens est hic in Cur' in propria persona sua Et gratis Tenementa predicta' et war', sc. Et super hoc predicta' W. G. petit versus ipsum E. C. Tenens per war' suam Tenementa predicta' cum pertinent in forma predicta, sc. Et unde dicit quod ipse fuit seissus de Tenementis predictis cum pertinent in Dominico ut de feodo & iure tempore pacis tempore Dne Regine nunc capiend' inde expleat ad valentiam, sc. Et in que, sc. Et inde producat sententiam, sc.

Et predicta' E. tenens p. war' suam defendit ius suum quando, sc. Et dicit quod predicta' Hugo Hunt disseisavit prefat' W. G. de Tenementis predicta' cum pertinent producat idem W. G. p. Breve & Rar' sua predicta' superius supponit Et de hoc ponit se super paciam, sc.

Et predicta' W. G. petit' licentiam inde interloquendi & habeat, sc. Et postea idem W. G. revent hic in Cur' in propria persona sua Et predicta' Edrus licet solempnit' erat' non revent sed in contemp' Cur' recessit Et defalt' fecit Ideo concessit quod predicta' W. G. recuperet seissuam suam & ius prefat' E. W. de Tenementis predicta' cum pertinent Et quod idem E. W. habeat de Terra predicta' J. D. ad valentiam, sc. Et quod idem J. D. ulterius habeat de Terra predicta' C. D. ad valentiam, sc. Et quod idem C. D. ulterius habeat de

\* As you may observe by the next Precedent.

Second Vouchee appears and vouches over the Common Vouchee. Demand against the Common Vouchee.

Common Vouchee pleads to the Country.

Demandant impars.

Common Vouchee makes default.

Judgment and Recovery in Value.

Writ of Seisin  
awarded and  
returned.

\* Indilate, be-  
cause not 15  
Days between  
the Teste and  
the End of the  
Term. If the  
Demandant  
comes into  
Court the last  
Day of the  
Term, and the  
Sheriff returns  
that Seisin was  
delivered three  
Days before.

de Terra predicta Com ad valentiam, &c. Et qd  
Com in mia, &c. Et super hoc predicta W. G.  
per Wye Dñd Regine Ric Com predicta diri-  
gens de habere faciens ei plenar seisinam de Te-  
namentis predictis cum pertinentiis ei conceditur re-  
tornabile hic \* indilate Postea scilicet duodecim die  
Feb' isto eodem termino vendit hic in Cur' pre-  
dicta W. G. in propria persona sua & vic' videlicet  
A. B. Writ modo mand quod ipse virtute Writ  
ill' sibi direct' nono die Februarii ult' preterit'  
habere fec' prefato W. G. plenar seisinam de Te-  
namentis predictis cum pertinentiis put p Wye illud sibi  
preceptum fuit, &c.

Another Entry of a Recovery and Proceed-  
ings with treble Voucher upon Warrants  
taken before a Judge.

First Summons  
Roll of Mich.  
Term

The Writ of  
Entry was re-  
turnable Quin-  
den. Martini.

The Tenants  
appear this  
Term in Per-  
son at the Bar.

Ebor' ff. **T** W. & R. C. Armig' in propriis  
. personis suis per' versus G. R.  
Armig' & W. B. Vend manerium de R. cum  
pertin' (&c.) Et in que iidem G. & W. non ha-  
bent ingressum nisi post disseisinam quam Hugo  
Hunt inde iniuste & sine iudicio fecit prefat' L.  
W. & R. infra triginta annos jam ult' elaps, &c.  
Et unde dic' quod ipsimet fuer' seisi' de Maner' &  
Tenementis predictis cum pertinentiis in dominio suo  
ut de feodo & iure tempore pacis tempore Domine  
Regine nunc capiend' inde exple' ad valentiam,  
&c. Et in que, &c. Et inde produ' sextam, &c.  
Et predict' L. & W. in propriis personis suis  
vend' & defend' ius suum quando, &c. Et hoc  
inde ad war' A. C. Writ & habeant eam hic in  
Datib. Pur beate marie Virginis Et sunt  
in Com predict' p auxilium Cur', &c. Idem dies  
pat' est partibus predictis hic, &c. Et super hoc  
pdis'



## Recoveries.

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**Joict G. & W. po. lo suis C. B. & C. G. Attorn**  
**suos conjunctim & divisim sicut pstat W. & R. de**  
**Joict plico, &c.**

*Note,* Although the Tenants appeared in Person at the Acknowledgment at Bar; yet if they appeared not also at the Return of the Summons in Person there must be a Warrant of Attorney for the Tenants entred upon the first Summons-Roll, as is before observed. And also upon the Remembrance under the *Præcipe* for the Writ of Entry of the same Recovery, you must enter a Warrant of Attorney for the Tenants thus,

Ebor' ff. **G** A. Armiger & W. B. Gen Po.  
 lo suis C. B. & C. G. Attorn  
 suos conjunctim & divisim versus T. W. & R. p.  
 Armig' de plico Terre.

Greenwood.

At the Return of the Summons being *Ostab. Par'*, as above, if the second Vouchee appear by Warrant of Attorney, you must make another Writ of Summons for the latter Vouchee, returnable the fifth Return after the Return of the first Summons and *Teste* of the Returns of the first Summons, for one Writ will not serve for both. The Form of the Entry thereof upon the second Summons-Roll followeth:

In the Interim file your Writ of Entry and first Summons with the *Custos Brevium*, and then you must prepare Warrants of Attorney for the Vouchees to be taken before a Judge after this manner.

Ebor'



For the first  
Vouchee.

# Recovertes.

Ebor' ff. **A** C. Alia quam G. H. Ar & W.  
B. Gen' hoc ad war' po. lo. suo  
J. S. & W. B. Attoz' suos conjunctim & divisim  
versus L. W. & R. M. Armig de plico Terre.

And for the second Vouchee.

For the second.

Ebor' ff. **G** H. Gen' quem A. C. W. hoc  
ad war' po. lo. suo J. S. & W.  
B. Attoz' suos conjunctim & divisim plus L. W.  
& R. M. Ar de plico Terre.

Capit & cognit' tertiodecimo die  
Martii Anno Regni Regine Anne  
Angl, &c. secundo coram me.

J. M.

Entry on the second Roll.

The second  
Summons-Roll.  
of *Hil.* Term  
reciting the  
Proceedings  
in *Mich.* Term  
on the first  
Summons-Roll.  
and awarding  
a Writ of Sum-  
mons against  
the second  
Vouchee, re-  
turnable *Quin-  
que Pasch.*

**A**lias prout patet Termino Scti Michaelis  
Anno Regni Dni Regine nunc secundo  
Rot' lvi continetur de Ebor' ff. L. W. & R.  
M. in propriis personis suis petunt versus G. H.  
Ar & W. B. Gen' manerium de R. cum pertind  
ac decem mesuagia vigini' Acr' Terre cum pertind  
in R. ut sus & hereditat' suam Et in que idem G.  
& W. non habent ingress' nisi post disseisinam quam  
Hugo Hunt injuste & sine iudicio fecit prefat' L.  
W. & R. M. infra trigini' annos, &c. Et unde  
dic' quod ipsemet fuer' seisi' de Panerio & Tene-  
mentis p'ebia' cum pertind in Dominico suo  
ut de feodo & sure tempore pacis tempore Dni  
Regine nunc capiend' inde explez ad valentiam,  
&c. Et in que, &c. Et inde produc' sextam, &c.  
Et

Et predict G. & W. in propriis personis suis veni  
 & defendi sui tunc quando, &c. Et hoc inde ad  
 war A. C. W. & habeant eam hic in Octab.  
 Sancti Martini & tunc in Com predict per auxi-  
 lium Cur, &c. Idem dies dat est partibus pre-  
 dia' hic, &c. Et super hoc predict G. & W. po-  
 nunt loris suis C. B. & E. G. conjunctim & di-  
 visim versus prefat T. W. & R. de predict plico,  
 &c. \* & modo hic ad hunc diem scilicet predict Octab.  
 Sancti Martini venditam predict T. & R. in prop-  
 riis personis suis quam G. & W. per C. B. Ac-  
 torum suum predict & predict A. suum, &c. per J. P.  
 Attorum suum vendi & gratis Manerium & Tenementa  
 predict cum pertinent eis war, &c. Et super hoc  
 predict T. W. & R. per versus ipsam A. tenend  
 per war suam Maneria & Tenementa predict  
 cum pertinent in forma predict, &c. Et unde dicit quod  
 ipsimet fuer scilicet de manerio & Tenementis pred  
 cum predict in dominio suo ut de feodo & jure tem-  
 pore pacis tempore Domine Regine nunc caplen-  
 do inde explez ad valentiam, &c. Et in que, &c.  
 Et inde pduc sextam, &c.

• Here ends  
 the Recital of  
 the first Sum-  
 mons-Roll of  
 Mich.

Appearance of  
 and Demand a-  
 gainst the first  
 Vouchee.

Et predict A. tenens per war suam defendi  
 sui suum quando, &c. Et ulterius hoc inde ad  
 war G. B. Gen & habeat eum hic a die Pasche  
 in quinque septimanas Et tunc in com predict  
 per auxilium Cur, &c. Idem dies dat est tam  
 prefat T. & R. G. & W. quam prefat A. hic,  
 &c.

Defence of the  
 first Vouchee  
 and Summons  
 for the second  
 returnable  
 Quinq; Pasche.

Make your Transcript of this Entry and a  
 Writ of Summons returnable in *Craftin' Pur'*,  
 then file your Transcript and last Writ of Sum-  
 mons with the Warrants of Attorney together,  
 and at the Return of this last Summons deli-  
 ver all to a Serjeant at the Bar, and so the  
 Recovery passeth.

Then

Then you make out a Writ of Seisin, and prepare for a third Entry of your whole Proceedings and Recovery on a Roll, as of Easter Term, and begin it thus, viz.

Third Roll of Easter Term whereon is entered (by *Alias prout patet*) the whole Entry of Hill Term. The Appearance of the second Vouches, and of the Common Vouches, the Default, Judgment Writ of Seisin and Return.

**A**lias prout patet Termino Sancti Hillarii Anno Regni Dni Regine nunc decimo octavo Rotulo 39 continetur sic Alias prout patet Termino Sancti Mich' Ann Regni Domine regine nunc secundo Rot' 56. continetur sic Ebor' H. L. W. & R. P. in propriis personis suis per versus G. R. Ar p W. B. Gen manerium de R. cum pertin' ac decem mesuagia ac viginti ac terre cum pertin' in R. ut jus & hereditatem suam & in que idem G. & W. non habent Ingressum nisi post disseisinam quam Hugo Hunc inde injuste & sine Iudicio prefat' H. W. infra triginta annos, &c. Et unde dic' quod ipsimet fuer' seisi de manerio & tenementis predict' dum pertin' in dominio suo ut de feodo & jure tempore partis tempore Domine Regine nunc capiendo inde exple's ad valentiam, &c. Et in que, &c. Et inde pduc' sectam, &c.

Et predict' G. & W. in propriis personis suis veni & defend' jus suum quando, &c. Et hoc inde ad war' A. C. W. & habeant eam hic in Dca'h Pur' beate Marie Virginis suad in Com' p'dia p auxilium Cur', &c. Idem dies dat' est partibus p'd hic, &c. Et super hoc p're G. & W. ponunt in locis suis C. B. & C. G. conjunctim & divisim versus p'fat' H. W. & R. P. de p'd p'lito, &c. Et modo hic ad hunc diem seise p'd Dca'h. Pur' beate Marie Virginis veni eam predict', H. W. & R. P. in propriis personis suis quam predict' G. & W. per C. B. Atcor'd suum Et predict' A.

sum, &c. p Attorn suum sicut vend Et gratis Warranty.  
manerium & Tenementa pdicta cum pñd ei war,  
&c. Et super hoc pdict T. M. & R. & P. pet  
plus ipsam A. tenend p war suam manerium & te-  
namenta pdicta cum pñd in forma pdict, &c. Et  
unde dic quod ipsimet fuer seist de manerio &  
tenementis pdictis cum pñd in dominico suo ut  
de feodo & iure tempore pacis tempore Dñe Re-  
gine nunc capiend inde explez ad valentiam, &c.  
Et in que, &c. Et inde pduc sectam, &c.

Et pdict A. tenens p war sua defend sus suu  
quando, &c. Et ulterius voc inde ad war G. H.  
Gen habeat eum hic a die Pasch in quinque sep-  
timanas sum in Com pdict p auxilium Cur,  
&c. Idem dies dat est tam pñd T. & R. G. &  
M. quam pñd A. hic, &c. \* Ad quem diem hic  
vend tam pdict T. M. & R. & P. in pñis per-  
sonis suis quam pñd G. & M. & pñd A. p At-  
torn suum pñd & pñd G. H. modo sum, &c.  
p J. S. Attorn suum sicut vend & gratis maneria  
& tenementa pdict cum pñd ei war, &c. Et sup  
hoc pñd T. M. & R. & P. pet versus ipsum G.  
tenend p war suam maneria & tenementa pdict cu  
pñd in forma pdict, &c. Et unde dic quod ipsi-  
met fuer seist de manerio & tenementis pdict cu  
pñd in domini suo ut de feodo & iure tempore pa-  
cis tempore Dñe Regine nunc capiend inde ex-  
plez ad valentiam, &c. Et in que, &c. Et in-  
de pduc sectam, &c.

Et pdictus G. tenens per war suam defend sus  
suu quando, &c. Et ulterius voc inde ad war  
Comundum Clent qui similiter pñs est hic in  
Cur in pñia persona sua & gratis manerium &  
tenementa pñd cu pñd ei war, &c. Et sup hoc pñd  
S T. M.

\* Here ends  
the Recital of  
Hill. Roll.

Warranty.

Demand a-  
gainst the se-  
cond Vouches.

Second Vou-  
chee vouches  
over Common  
Vouches.



Warranty by  
and Demand  
against the  
Common Vou-  
chee.

*T. W. & R. P. pet versus ipsum C. tenens per  
war suam manerium & tenementa p̄dicta cum per-  
tin in forma p̄dicta, &c. Et unde dicit quod ipse  
met fuerit seisi' de manerio & tenementis p̄dictis  
cum p̄tin in dominio suo ut de feodo & jure tem-  
pore pacis tempore Dñi Regine nunc capiens  
inde exple's ad valentiam, &c. Et in que &c.  
Et inde probat' sectam, &c.*

Common Vou-  
chee pleads to  
the Country.

*Et p̄dict Edmundus tenens p war suam defens-  
sus suum quando, &c. Et dicit quod p̄ Hugo  
Hunt non disseisibit p̄fat T. W. & R. P. de ma-  
nerio & tenementis p̄dictis cum p̄tin prout idem  
T. W. & R. P. p Breve, &c. & de hoc p̄d se  
sup patriam, &c.*

Demandants  
imparl.

*Et p̄dict T. W. & R. P. pet licentiam inde  
interloquendi & habent, &c. Et postea idem T.  
W. & R. P. reven' hic in Cur' in p̄p̄is p̄sonis  
suis & p̄dict Edmundus licet solempniter exar'  
non reven' sed in contem' Cur' recessit & defalt'  
fec' Ideo consideratum est quod p̄dict T. W. &  
R. P. recuperent seisinam suam versus p̄fat  
C. & W. de manerio & tenementis p̄dictis cum per-  
tin & quod idem C. & W. habeant de terra p̄  
A. ad valentiam, &c. Et quod eadem A. ulterius  
habeat de terra p̄dictis C. H. ad valentiam, &c.  
Et quod p̄dict C. H. ulterius habeat de terra p̄-  
dict Edmundi ad valentiam, &c. Et idem Co-  
mundus in mia, &c. Et sup hoc p̄dict T. W. &  
R. P. pet breve Dñi Regine Wic Com' p̄dict  
dirigens de habere faciens eis plenariam seisinam  
de manerio & tenementis p̄dictis cum p̄tin & eis  
conceditur recognabile hic in illate postea seisi' nono  
die Passi isto eodem Termino ven' hic in Cur' p̄-  
dict T. W. & R. P. in p̄p̄is personis suis  
& Wic videlicet T. L. p̄it modo mans quod ipse  
virtute Brevis illi sibi direa' septimo die Passi  
ult*

Common Vou-  
chee makes  
Default.

Judgment and  
Recovery in  
Value.

Miserecordia.

Writ of Seisin  
awarded retur-  
nable *indilate*  
because not 15  
Days betwixt  
the *Teste* and  
Return.

ult p̄fēt habere fecit p̄fāt T. W. & R. D.  
plenariam seisinam de manerio & Tenementis p̄-  
dict cum p̄cū p̄out p̄ h̄ve illud sibi p̄ceptum  
fuit, &c.

Next prepare for your Exemplification as  
in others.

*Note*, These Warrants in Case of a treble  
Voucher, may be taken by special Commis-  
sion, one for the Tenant (if necessary) and  
another for the Vouchees, and then Entries  
must be made according to the former Dire-  
ction by *Mittimus*, &c.

The Form of a Recovery; Als put patet, with  
double Voucher, where the Tenant appears  
in Person, and the Vouchee by Attorney,

**H**IL 23 & 24 Car secundi Regis Rotlo 62.  
cum Wp̄ley. Alias put patet Termino  
Sancti Michaelis ult p̄terit Rotlo 215. continetur  
sic Rotlo ff. A. D. Cē in p̄p̄ia persona sua p̄f  
versus W. A. unum mesuagium duo gardina tres  
acr terr' duas acr pastur & coīam pastur p̄ omni-  
bus Averis cum p̄tinen in Towcester ut jus &  
heres sua & in que idem W. non habet ingressū  
nisi post disseisinam quam Hugo Hunt inde injuste  
& sine iudicio fecit p̄fāt A. infra triginta annos,  
&c. Et unde dic' quod ipsemet fuit seissit' de tene-  
mentis & communia p̄dīa' cum p̄tinen in domi-  
nico suo ut de feodo & iure tempore pacis tempore  
Dnd Regine nunc capiend' inde exple's ad valen-  
tiam, &c. Et in que, &c. Et inde p̄duc' secta,  
&c.

Second Roll  
of Hill. Term.  
Writ of Entry  
returnable  
Quind. Mart.

Summons re-  
turnable Octob.  
Pur. Warrant  
of Attorney for  
the Tenant.

Et predictus W. in propria persona sua venit & defendit  
suum quando, &c. & vocat inde ad war' F. A.  
viduam suam in Com' predicta habeat eam hic in  
Mensis Purificationis beate Marie per auxilium  
Cur', &c. Idem dies datus est partibus predictis hic,  
&c. & super hoc predictus W. po. lo. suo T. H. &  
K. G. Attorn' suos conjunctim & divisim versus  
placit' A. de predictis placito, &c. Ad quem diem  
hic venit tam predict' A. in propria persona sua quam pre-  
dict' W. per predict' T. Attorn' suum & predict' F. suum,  
&c. per A. G. Attorn' suum illis venit & gratis tene-  
menta & communiam predictam cum pertinentiis ei war', &c.  
& super hoc predictus A. per plures ipsam F. tenens per  
war' suam tenementa & communiam predictam cum  
pertinentiis in forma predicta, &c. & unde dicit quod ipse  
met fuit seissit' de tenementis & communia predicta  
cum pertinentiis in dominio suo ut de feodo & jure  
tempore pacis tempore Domine Regine nunc ca-  
piendo inde expleat ad valentiam, &c. & in que,  
&c. & inde producat sectam, &c.

Common Vou-  
chee.

Et predicta F. tenens per war' suam defendit suum  
suum quando, &c. & ulterius vocat inde ad war'  
Edmundum Glent qui similiter plens est hic in  
Cur' in propria persona sua & gratis tenementa &  
communiam predicta cum pertinentiis ei war', &c. & su-  
per hoc predict' A. per plures ipsum Edmundum te-  
nens per war' suam tenementa & communiam predicta  
cum pertinentiis in forma predicta, &c. & unde dicit quod  
ipsemet fuit seissit' de tenementis & communia pre-  
dicta cum pertinentiis in dominio suo ut de feodo a jure  
tempore pacis tempore Domine Regine nunc ca-  
piendo inde expleat ad valentiam, &c. & in que,  
&c. & inde producat sectam, &c.

Et p̄dictus Edmundus tenens per war' suam defend' ius suum quando, &c. & dicit quod p̄sencia' Hugo non disseisibit p̄fat' A. de tenementis & communia p̄dicta' cum p̄iud' put idem A. p̄ Breve & Narrationem sua p̄dicta' sup̄ius supponit & de hoc p̄iud' se sup̄ Parriam, &c.

Non disseisuit.

Et p̄dictus A. p̄t' licentiam inde interloquendi & habet, &c. & postea idem A. revent' hic in Cur' isto eodem Termino in p̄pria p̄sona sua & p̄dictus Edmundus licet solempniter exact' non revent' sed in contemptum Cur' recessit & defali' facit ideo consideratum est quod p̄dict' A. recuperet seisinam suam versus p̄fat' W. de tenementis & communia p̄dicta' cum p̄iud' & quod idem W. habeat de terra p̄dicta' f. ad valentiam, &c. & quod eadem f. ulterius habeat de terra p̄dicta' Edmundi ad valentiam, &c. & idem Edmundus in m̄ia, &c. & sup̄ hoc p̄dictus A. petit breve Dñi Regine Wic' Com' p̄dicti dirigend' de habere faciend' ei plenar' seisinam de tenementis & communia p̄dictis cum p̄iud' & ei conceditur recognabile hic a die Pasche in quindecim dies, &c. ad quem diem hic venit p̄dictus A. in p̄pria p̄sona sua & vic' videll' W. L. p̄siles modo mand' quod ipse virtute brevis p̄dicti sibi directi duodecimo die p̄dicti ult' p̄terit' habere fecit p̄fat' A. plenariam seisinam de tenementis & communia p̄dictis cum p̄iud' put p̄ breve illud sibi p̄ceptum fuit, &c.

Default by Common Vouches.

Judgment and Recovery in Value.

Seisin returnable first Return of Easter Term.

Seisin delivered about the middle Time.



Entry of Recovery by alias prout patet the same Term, with double Voucher by Summons.

The Writ of Entry was returnable *Quinden' Pas.*

**A**lias put pat' isto eodem Termino Rot' rib' continetur sic Civitas Cobenr' s. Franciscus Estwick in p'pria p'sona sua petit versus Richardum Copson sex mesuagia duodecim gardina decem ac' p'paci septuagint' ac' past' & com' past' p' omnib' aver' cum p'tin in Stoke ut jus & hereditatem suam & in que idem Richardus non habet ingressum nisi post disseisinam quam Hugo Hunt inde injuste & sine iudicio fecit p'p'at' Francisco infra triginta annos, &c. & unde dicit quod ipsemet fuit seissitus de t'entis & communia p'p'dictis cum p'tin in dominio suo de feodo & iure tempore pacis tempore Domine Regine nunc capiens inde exple's ad valentiam, &c. & in que, &c. & inde p'duc' sectam, &c.

The Summons *Gra. Ascens.* being the last Return of *Easter* Term.  
Warrant of Attorney for Tenant.

Et p'dictus Ricus in p'pria persona sua venit & defendit sup' suum quando, &c. & voc' inde ad war' Isaacum Estwicke suum in Com' p'dicto habent eum hic in crastino Ascensionis Domini per auxilium Cur', &c. idem dies dat' est paribus p'dictis hic, &c. & sup' hoc p'dictus Ricus p'p'at' suo Thomam Widdnell & Johe'm Cook Attoz'd suos conjunctim & divisim versus p'p'at' Franciscum ad lucrans vel p'dens de p'dicto placito, &c. ad quem diem hic venit tam p'dictus Franciscus in p'pria p'sona sua quam p'p'at' Ricus p' p'dict' Thomam Widdnell Attoz'd suum & p'dictus Isaacus suum, &c. per Henricum Green Attoz'd suum similiter venit & gratis tenementa & communiam p'dict' cum p'tin ei war', &c. & sup'

sup hoc p̄dictus Franciscus petit versus ipsum I-  
saacum tenend per war suam tēta & communia  
p̄dict cum p̄tind in forma p̄dicta, &c. & unde di-  
cit quod ipsemet fuit seissitus de tenementis &  
communis p̄dict cum p̄tind in dominico suo ut de  
feodo & iure tempore pacis tempore Dñe Regine  
nunc capiend inde expleß ad valentiam, &c. &  
in que, &c. & inde p̄ducit sectam, &c.

Et p̄dictus Isaacus tenens p war suam defend  
jus suum quando, &c. & ultius vocat inde ad  
war Georgium Humpston qui similiter p̄sens est  
hic in Cur in p̄pria p̄sona sua & gratis tenemen-  
ta & communiam p̄d cum p̄tind ei war, &c. &  
sup hoc p̄d Franciscus petit versus ipsum Geo-  
tenend p war suam tēta & communiam p̄dict cū  
p̄tind in forma p̄dicta, &c. & unde dicit quod ip-  
semet fuit seissitus de tenementis & communiam  
p̄dict cum p̄tind in dominico suo ut de feodo & ju-  
re tempore pacis tempore Domine Regine nunc  
capiend inde expleß ad valentiam, &c. & in que,  
&c. & inde p̄ducit sectam, &c.

Common Vou-  
chee.

Et p̄dict' Georgius tenens p war suam defend  
jus suum quando, &c. & dicit quod p̄dict Hugo  
non disseissit p̄fat Franciscum de tenementis &  
communis p̄dict cum p̄tineid p̄ut idem Francis-  
cus p brebe & narrationem sua p̄dicta supius sup-  
pon & de hoc p̄on se sup patriam, &c.

Et p̄d Franciscus petit licentiam inde inter-  
loquendi & habet, &c. & postea idem Franciscus  
reben' hic in Cur isto eodem Termino in p̄pria  
p̄sona sua & p̄d Georgius licet solempniter exact'  
non reben' sed in contempt Curie recessit & defall  
fecit Ideo cons est quod p̄dict Franciscus recuper  
seissinam suam versus p̄fat Richardum de tene-  
mentis

Nota, The Sam-  
mons was re-  
turnable so late  
in the Term,  
that the Writ  
of Seisin could  
not be returna-  
ble indilate  
for it was Teste  
the last Day of  
the Term,  
which was the

S 4

Teste Day of Cro. Ascenc. neither could it be returnable the first of Trinity Term,  
because not 15 Days between the Teste Day and Return.

mentis & communia p̄dicti cum p̄dicto & quod idem  
Richardus habeat de terra p̄dicti Isaac ad valenti-  
am, &c. & quod idem Isaacus ulterius habeat de  
terra p̄dicti Georgii ad valentiam, &c. & idem  
Georgius in m̄ia, &c. & sup̄ hoc p̄dictus Fran-  
ciscus petit breve Domine Regine vic Com p̄-  
dirigend de habere faciend ei plenariam seisinam  
de tenementis & communia p̄dicti cum p̄dicto & ei  
conceditur recognabile hic in octabis Sancte Tri-  
nitatis, &c. ad quem d̄ctm hic vend p̄dictus  
Franciscus in p̄pria p̄sona sua & vic videt Johes  
Daniel & Thomas Geary modo mand quod ipsi  
virtute brevis illius sibi directi vicesimo die Pas-  
che p̄terit habere sec p̄dicti Francisco plenariam  
seisinam de tenementis & communia p̄dictis cum  
p̄dicto put p̄ breve illud sibi p̄cept fuit, &c.

Exemplification of a Recovery, double Vou-  
cher, with great Variety of Parcels.

**C**AROLUS Dei Gratia Anglie Scotie Francie &  
Hibernie Rex Fidei Defensor, &c. omni-  
bus ad quos plenes Litere nostre p̄veniant salu-  
tem Sciatis quod inter placita terre irrotula apud  
Westm̄ coram Thoma Richardson Milite & soci-  
is suis Justic nostris de Banco de Termino San-  
cti Hillarii Anno Regni nostri secundo Rotulo  
xxxvi continetur sic Alias put pat Termino San-  
cti Michaelis ult p̄terit Rotulo lxxi continetur sic  
Ester' H. T. D. & A. D. in p̄p̄tis p̄sonis suis pe-  
runt verius C. D. generosum manerium de D.  
cum p̄dicto ac duo mesuagia ducentas acras terre  
centum acras p̄p̄ati centum & quinquaginta acras  
pasture decem acras bosci communiam pasture  
liberam

Writ of Entry  
was returnable  
Quinden' Mar-  
tini.

liberam piscariam feod milit ward maritag escae  
 relevia cur & cur let & vis Franci plegii cum p  
 tid in D. atq D. parba magna T. alias T. ma  
 jori S. & F. necnon rectoriam de D. alias D. par  
 ba cum ptid acetiam omnes & omnimodas deci  
 mas oblationes & obventionis qualcunque annua  
 tim pbeniend cresced & renoband in parba D. ac  
 advocacionem vicarie Ecclesie de parba D. ut sus  
 & hereditatem suam & in que idem E. non habet  
 ingressum nisi post disseisinam quam Hugo Punc  
 inde injuste & sine iudicio fecit pfatis T. & A. in  
 fra triginta annos, &c. & unde dicunt quod ipsi  
 met fuerunt seisi de manerio tenementis com  
 munita libera piscaria feod milit ward maritag es  
 caet releviis cur cur let vis Franci plegii rector  
 ria decimis oblationibus & obventionibus pdictis  
 cum ptinend in dominico suo ut de feodo & iure  
 ac de advocacione pdicta ut de feodo & iure  
 tempore pacis tempore Dni Regis nunc capien  
 do inde explez ad valentiam, &c. & in que, &c.  
 & inde pducunt feci, &c. & p E. in ppria plo  
 na sua venit & defendit ius suum quando, &c. &  
 vocat inde ad warrantizand R. Comit S. sum in  
 Com pdicto habeat eum hic in Crastino Purifica  
 tionis Beate Marie p auxilium Cur, &c. idem  
 dies datus est partibus pdictis hic, &c. & sup hoc  
 pdictus E. ponit loco suo W. W. Attoz suum  
 versus pfatos T. & A. de pdicto placito & modo  
 hic ad hunc diem venerunt tam pdicti T. & A. in  
 ppriis psonis suis quam pdictus E. p Attoz natum  
 suu pdictum & pdictus Comes S. sum, &c. p  
 R. W. Attoz natum suum similiter venit & gratis  
 manerium tenementa & Communiam liberam pis  
 cariam feod milit ward maritag escae releviis  
 Cur

Summons re  
 turnable, Cr.  
 Pur.  
 Tenant puts  
 in Warrant of  
 Attorney.



Cur Cur let visum franci plegii rectoziam decimas oblationes & obventiones pōit cum p̄tīd ac advocacionem p̄dictam ei war, &c. & super hoc p̄dicti T. & A. petunt versus ipsum Comitem tenentem p̄ warantiam suam manerium tenementa communiam liberam piscariam feod milit' ward maritag' escaeta relevia Cur Cur let visum franci plegii rectoziam decimas oblationes & obventiones pōit cum p̄tīd ac advocacionem p̄dictam in forma p̄dicta, &c. & unde dicunt qđ ip̄sime fuerunt leisi de manerio tenementis communia libera piscaria feod milit' ward maritag' escaetis relevis Cur Cur let vis franci plegii rectozia decimis oblationibus & obventionibus p̄dictis cum p̄tīd in dominico suo ut de feodo & iure ac de advocacione p̄dicta ut de feodo & iure tempore pacis tempore domine Regine nunc capiēdo inde explez ad valentiam, &c. & in que, &c. & inde producunt lectam, &c. & p̄dictus Comes tenens p̄ war suam defendit ius suum quando, &c. & vocat inde ad wasentizans Edwardum † Henric qui similiter p̄sēns est hīc in Cur in propria persona sua & gratis manerium tenementum communiam liberam piscariam feod milit' ward maritag' escaeta relevia Cur Cur let vis franci plegii rectoziam decimas oblationes & obventiones pōit cum p̄tīd ac advocacionem p̄dictam ei war, &c. & super hoc p̄dicti T. & A. petunt versus ipsum Edwardum tenentem per warantiam suam manerium tenementa communiam liberam piscariam feod milit' ward maritag' escaeta relevia Cur Cur let vis franci plegii rectoziam decimas oblationes & obventiones pōit cum p̄tīd ac advocacionem p̄dictam in forma p̄dicta, &c. & unde dicunt qđ

The Common  
Vouchet.

quod ipsimet fuerunt seiscii de manerio tenemen-  
 tis communia libera piscaria feod milit ward ma-  
 ritag escaet relevits Cur Cur let visu franci ple-  
 gii rectoria decimis oblationibus & obventionibus  
 pdict cum ptinend in dominico suo ut de feodo  
 & jure ac de advocacione pdicta ut de feodo & jure  
 tempore pacis tempore Domine Regine nunc ca-  
 piendo inde expleß ad valentiam, &c. & in que,  
 &c. & inde producunt sextam, &c. & predictus  
 Edwardus tenens per warantiam suam defendit  
 jus suum quando, &c. & dicit quod pdictus Hugo  
 non disseiuit pñatos C. & A. de manerio tenemen-  
 tis communia libera piscaria feod milit wardis  
 maritagiis escaetis relevits Cur Cur let visu  
 franci plegii rectoria decimis oblationibus & ob-  
 ventionibus pdict cum ptinend ac de advocacione  
 pdicta prout iidem T. & A. per breve & narrati-  
 onem sua pñdict' supius supponunt & de hoc po-  
 nit se sup patriam, &c. & pñdicti T. & A. petunt  
 licentiam inde interloquendi & habent, &c. & po-  
 stea iidem T. & A. reverend hic in Cur isto eodem  
 termino in pñdictis pñonis suis & pñdictus Edwardus  
 licet solempniter exactus non reverend sed in con-  
 temptum Curie recessit & defaultam fecit ideo con-  
 sideratum est quod pñdicti T. & A. recuperent seiss-  
 nam suam sñus pñefatum C. D. de manerii tene-  
 mentis communia libera piscaria feod milit ward  
 maritag escaetis relevits Curie Cur let vis franci  
 plegii rectoria decimis oblationibus & obventi-  
 onibus pñdictis cum ptinend ac de advocacioni pñ-  
 dicta & quod idem C. habeat de terra pñdicti Co-  
 mitis ad valentiam, &c. & quod idem Comes ul-  
 terius habeat de terra pñdicti Edwardi ad valen-  
 tiam, &c. & idem Edwardus in misericordia,  
 &c. & super hoc pñdicti T. & A. petunt Breve  
 Domine

Seisin returnable indilate.

Demandant comes into Court last Day of Term and Sheriff returns that Seisin was delivered three Days before.

Domine Regine Vicecomiti Comitatus Pictie dirigend de habere faciend ei plenariam seisinam de manerio tenementis communia libera piscaria feod milit ward maritag escaetis releviis Curie Cur let vis franci plegit rectoria decimis oblationibus & obventionibus pdictis cum ptinen ac de advocacione pdicta & eis conceditur retornabile hic indilate, &c. Postea scilicet duodecimo die Febr' isto eodem Termino venit hic in Cur pdicti T. & A. in ppris psonis suis & vic videlicet T. R. de R. Armig modo mand quod ipse virtute hzevis pdicti sibi directi nono die Febr' ult pterit habere fecit pstat T. & A. plenaria seisina de manerio tenementis communia libera piscaria feod milit wardis maritagis escaetis releviis Cur Cur let vis franci plegii rectoria decimis oblationibus & obventionibus pdictis cum ptinen ac de advocacione pdicta put p hze' illud sibi pceptum fuit, &c. que omnia & singula ad requisicion pdicti T. & A. tenore pntium durimus exemplificand In rufus rei testimonium sigillum nostrum ad hze' in Banco pdicto sigilland' depusat pntibus apponi fecimus teste T. Richardson apud Westm 12 die Febr' Anno Regni nostri vicesimo primo Brownlowe.

The Form of a Recovery with double Voucher, where the Vouchees appear upon Summons.

The second Summons. Roll. The Writ of Entry was returnable Cr. Animarum.

**A**lias put patet Termino Sancti Michaelis ulterius preterit Rotulo 211. continetur sic Villa nobi Castri sup Lynam. n. Thomas Steele & Rolandus Kirkly in propriis personis suis petunt versus Robertum Park lxx

sex mesuagia cum ptinen in Villa nobi Costri  
super Dynam ut jus & hereditatem suam & in que  
idem Robertus non habet ingressum nisi post dis-  
seissnam quam Hugo Hunt inde injuste & sine ju-  
dicio fecit p̄fatis Thome & Rolando infra tr gina-  
ta annos, &c. & unde dicunt quod ipsimet fuerunt  
seissici de sex mesuagiis p̄dictis cum ptinen in do-  
minico suo ut de feodo & jure tempore pacis tem-  
pore Domine Regine nunc capiendo inde expleſ  
ad valentiam, &c. & in que, &c. & inde produ-  
cunt sectam, &c. & p̄dictus Robertus in pp̄ia p-  
sona sua venit & defendit jus suum quando, &c.  
& vocat inde ad war Michaelem Durham & Mar-  
tham urorem ejus & Robertum Steel & Abigaila  
urorem ejus surd in Corn p̄dicto habeat eos hic in  
Octabis Sancti Hillarii per auxilium Cur, &c. Et  
idem dies datus est partibus p̄dictis hic, &c. Et  
sup hoc p̄dictus Robertus Park ponit lo. suo Tho-  
mam Wadonel & Thomam Hunt Attornatos suos  
conjunctim & divisim plus p̄fat Thomam Steel &  
Rolandum de p̄dicto p̄lito, &c. ad quem diem  
hic veni tam p̄dicti Thomas Steel & Rolandus  
in pp̄iis personis suis quam p̄dictus Robertus  
Park p̄ p̄dictum Thomam Wadonel Attorn suum &  
p̄dicti Michael & Martha & Robertus Steel & A-  
bigail surd, &c. p̄ Radulphum Wild Attorn su-  
um similiter veni & gratis sex mesuagia p̄dicta cum  
ptinen ei war, &c. & sup hoc p̄dict Thomas  
Steel & Rolandus petunt plus ipsos Michaelem &  
Martham Robertum Steel & Abigailam tenentes  
p̄ war suam sex mesuagia p̄dicta cum ptinen in  
forma p̄dicta, &c. & unde dicunt quod ipsimet  
fuerunt seissici de sex mesuag' p̄dictis cum  
pertinen in dominico suo ut de feodo & jure tem-  
pore

Summons re-  
turnable Octab.  
Hil.

Warrant of  
Attorney for  
Tenant.



poze pacis tempore Domine Regine nunc capiend  
do inde expleſ ad valentiam, &c. & in que, &c.  
& inde pduc ſectam, &c.

Common Vou-  
chce.

Et p̄ Michael & Martha & Robertus Steel  
& Abigail tenentes per war ſuam defendunt ju  
ſuum quando, &c. & ulterius vocant inde ad war  
Edmundum Cient qui ſimiliter pſens eſt hic in  
Cur in propria pſona ſua & gratis ſex meſuagia  
p̄dict cum pertineñ eis war, &c. & ſup hoc p̄  
Thomas Steel & Rolandus petunt ſlus ipſum  
Edmundum tenentem per war ſuam ſex meſua  
gia p̄ cū pertiñ in forma p̄reſ, &c. & unde di  
cunt quod ipſimet fuerunt ſeiſti de ſex meſuag' p̄  
cū pertineñ in domin' ſuo ut de feodo & ſure tem  
poze pacis tempore Domine Regine nunc capiend  
do inde expleſ ad valentiam, &c. & in que, &c.  
& inde pduc ſectam, &c.

Et p̄ Edmundus tenens p waran' ſua defendit  
juſ ſuum quando, &c. & dicit quod p̄ Hugo non  
diſſetbit p̄ſatos Thomā Steel & Rolandū de ſex  
meſuag' p̄ cū p̄tineñ prout iidem Thomas &  
Rolandus per bzebe & narrationem ſua p̄reſ ſup  
us ſupponunt & de hoc ponit ſe ſup patriam, &c.  
& p̄ Thomas Steel & Rolandus petunt licenciam  
inde interloquendi & habent, &c. & poſtea iidem  
Thomas & Rolandus reveñ hic in Cur iſto eode  
termino in propz' pſonis ſuis & p̄ Edmundus  
licet ſolempnit' erat' non reveñ ſed in contempt  
Cur' reſellit & defalt' fecit ideo conſ eſt quod p̄  
Thomas Steel & Rolandus recuperent ſeiſnam ſua  
ſlus p̄ſat Robertū Park de ſex meſuag' p̄ cū  
pertineñ & quod idem Robertus habeat de ira  
p̄ſatorum Michaelis & Marthe & Roberti Steel  
& Abigail' ad valentiam, &c. Et quod idem  
Michael & Martha Robertus & Abigail ulte  
rius

rius habeant de terra p̄dicta Edmundi ad valentia,  
 &c. & idem Edmundus in mia, &c. & sup hoc  
 p̄dicta Thomas Steel & Rolandus petunt bz' Do-  
 mine Regine vic' vñlle p̄dicta dirigend de habere  
 faciend eis plenariam seisinam de sex mesuag' p̄-  
 dicta cū p̄tinent & eis conceditur recognabile hic in  
 Octab. Purificationis Beate Marie, &c. postea  
 duodecimo die Februarii isto eodem Termino venit  
 hic in Cur' p̄dicta Thomas Steel & Rolandus in p̄p-  
 tione suis & vic' videlicet Robertus Jennison modo  
 mans quod ipse virtute bz' p̄dicta sibi direct' secun-  
 do die Februarii ult' p̄terit habere fecit p̄fat' Tho-  
 me Steel & Rolando plenariam seisinam de sex  
 mesuag' p̄dicta cū p̄tinent p̄t p̄ bz' illud sibi p̄-  
 ceptum fuit, &c.

Seisin returna-  
 ble last Return  
 of Hil. Term.

Demandants  
 come into  
 Court last Day  
 of the Term,  
 and Sheriff re-  
 turns that Sei-  
 sin was delive-  
 red 9 Days be-  
 fore.

The Form of a Recovery with double Vou-  
 cher, of some intire Parcels, and of a  
 Moiety of other Parcels passed at Bar.

Ebor. ff. **J**acobus Creswick & Edwardus Cres-  
 wick in p̄p- tione suis petunt  
 s̄lus Antonium Ellis duo mesuagia duo gardina  
 duas acras terre duas acras p̄tati & duas acras past-  
 ure cū p̄tinent in Sheffeld Pecnon medietate u-  
 nius mesuag' duorum gardinorum viginti acrarum  
 tre triginta acrarum p̄tati viginti acrarum pasture &  
 quinquaginta acrarum sampnorum & bzueri cū p̄t-  
 nent in Sheffeld Eccleshal & Hallam ut sup & he-  
 reditate sua & in que idem Antonius non habet in-  
 gressum nisi post disseisinam quam Hugo Hunt inde  
 injuste & sine iudicio fecit p̄fatis Jacobo & Edwardo  
 infra triginti Annos, &c. & unde dicunt qd ipsimet  
 fuerunt

Writ of Entry  
 was returnable  
 Quind' Martini  
 because so late  
 that Seisin was  
 awarded next  
 Term.

fuerunt seisiiti de tenementis & medietate p̄d' cū  
p̄tinenē in dominico suo ut de feodo & jure tempo-  
re pacis tempore Domine Regine nunc capiēdo  
inde explez ad valentiam, &c. & in que, &c.  
& inde pduc' secta, &c.

Tenant ap-  
pears at Bar  
and vouches  
over.

Vouchee ap-  
pears at Bar  
and enters into  
Warranty.

Et p̄dictus Antonius in propria persona sua  
venit & defendit jus suum quando, &c. & vocat  
inde ad war' Georgiū Petty qui p̄sens est hic in  
Cur' in p̄pria p̄sona sua & gratis tenementa & me-  
dierate p̄d' cū p̄tinenē eis war', &c. & sup' hoc p̄-  
dictus Antonius petit s̄lus ipsum Georgiū tenen-  
tem per war' suā tenementa & medietate p̄d' cū  
p̄tinenē in forma p̄dicta, &c. & unde dicunt  
quod ipsimet fuerunt seisiiti de tenementis & medi-  
etate p̄d' cū p̄tinenē in dominico suo ut de feodo  
& jure tempore pacis tempore Domine Regine  
nunc capiēdo inde explez ad valentiam, &c. & in  
que, &c. & inde pduc' secta, &c.

Calls over the  
Common Vou-  
chee.

Et p̄dictus Georgius tenens per war' suam  
defendit jus suum quando, &c. & ulterius vocat  
inde ad war' Edmundū Clent qui similiter p̄sens  
est hic in Cur' in p̄pria p̄sona sua & gratis tene-  
menta & medietate p̄d' cū p̄tinenē ei war', &c.  
& sup' hoc p̄dictus Georgius petit s̄lus ipsum E-  
dmundū tenentē per war' suam tenementa & me-  
dierate p̄d' cū p̄tinenē in forma p̄d' cū, &c. &  
unde dicunt quod ipsimet fuerunt seisiiti de tene-  
mentis & medietate p̄d' cū p̄tinenē in dominico  
suo ut de feodo & jure tempore pacis tempore Dñe  
Regine nunc capiēdo inde explez ad valentiam,  
&c. & in que, &c. & inde pduc' secta, &c.

Et

Et predictus Edmundus tenens per warant<sup>1</sup> sua defendit ius suum quando, &c. & dicit quod predictus Hugo non disseisivit prefatos Jacobum & Edwardum de tenentis & medietate predicta cum pertinentiis eisdem Jacobus & Edwardus per breve & narrationem suam predicta superius supponit & de hoc ponit se super Patria, &c.

Non Disseisivit:

Et predicta Jacobus & Edwardus petunt licentiam inde interloquendi & habent, &c. & postea ibidem Jacobus & Edwardus reverend<sup>1</sup> hic in Curia ista eodem termino in propriis personis suis & predictus Edmundus licet solemniter etiam non reverend<sup>1</sup> sed in contemptu Curie recessit & defalcavit fecit Ideo concessum est quod predicta Jacobus & Edwardus recuperent seisinam suam plus prefatus Antonius de Tenementis & medietate predictis cum pertinentiis & quod ibidem Antonius habeat de terra predicta Georgii ad valentiam, &c. & quod ibidem Georgius ulterius habeat de terra predicta Edmundi ad valentiam, &c. & ibidem Edmundus in media, &c. & super hoc predicta Jacobus & Edwardus petunt breve D<sup>ni</sup> Regine Ric<sup>ardi</sup> Com<sup>itis</sup> predicti dirigens de habere faciens eis plenariam seisinam de tenementis & medietate predictis cum pertinentiis & eis conceditur reazonabile hic in Octabis Sancti Hillarii, &c. ad quod die hic venit predicta Jacobus & Edwardus in propriis personis suis & hic videlicet H. M. Armiger modo mand<sup>1</sup> quod ipse virtute brevis predicta sibi direct<sup>1</sup> vicesimo die Decembris preterit habere fecit prefatus Jacobo & Edwardo plenariam seisinam de tenementis & medietate predicta cum pertinentiis per breve illud sibi preceptum fuit, &c.

Imparlance and Default by Common Vouches:

Judgment and Recovery in Valde.

Seisin returnable the first Return of Hil<sup>l</sup> Term.



The Form of a Recovery, where the Tenant appears by Attorney, and vouches several Persons, for several Lands, in several Towns, who appear by Summons.

The Writ of Entry was returnable *Tres Mich.*

Kanc. ff. **J.** P. in propria persona sua petit *Blus* **J.** L. A. tria mesuagia tria gardina quinquaginta acras terre quadraginta acras prati & sexaginta acras marisci cum pertinent in S. & C. ut jus & hereditate sua & in que ipse L. non habet ingressum nisi post disseisinam quam Hugo Hunc inde injuste & sine iudicio fecit prefat. J. intra triginta annos, &c. & unde dicit quod ipsemet fuit seiscitus de tenementis predicta cum pertinent in domino suo ut de feodo & jure tempore patris tempore Domine Regine nunc capiendū inde expleat ad valentiam, &c. & in que, &c. & inde producit sead, &c.

Tenant appears by Attorney and vouches over.

Et predictus L. per C. B. Attornd suum venit & defendit jus suum quando, &c. & quoad duo mesuagia duo gardina triginta acras terre viginti acras prati & quadraginta acras marisci in S. predicti de tenementis predicti superius petit parcel vocat inde ad war C. W. & quoad unum mesuagium unum gardinum viginti acras terre viginti acras prati & viginti acras marisci de tenementis predicta cum pertinent superius petit idem L. vocat inde ad war C. W. & B. uxorem ejus respective sunt in Com predicti habeat eos hic in Octabis Sancti Martini per auxilium Cur, &c. idem dies datus est partibus predicti hic, &c. & modo hic ad hunc diem scilicet ad predicta Octabis Sancti Martini venit tam predicta J. in propria persona sua quam per L. per Attornd suum predictum.

Summons returnable *Octab. Mart.* same Term. Tenant appears in Person at the Return of the Summons.

Et predictus C. sum, &c. Attorid suum & predicti C. & B. sum, &c. per H. P. Attornatum suum similiter vendit & predicti C. gratis tenementa predicti cum pertinent in S. predicti de tenementis predicti cum pertinent superius petiti parcel unde ipse superius vocabatur ad war eisdem L. war, &c. & super hoc predicti J. petit versus ipsum C. tenent per war suam eadem tenementa cum pertinent in S. predicti in forma predicti, &c. & unde dicit quod ipsemet fuit seiffit de eisdem tenementis cum pertinent in dominio suo ut de feodo & jure tempore pacis tempore Domine Regine nunc capiend' inde explez ad valentia, &c. & in que, &c. & inde producit sectam, &c.

Vouchees appear by several Attornies.

One vouchee one Parcel,

Et predicti C. & B. gratis tenementa predicti cum pertinent in C. predicti de tenementis predicti cum pertinent superius petiti resid' unde ipsi superius vocabantur ad war eisdem L. war, &c. & super hoc predicti J. petit plus ipsos C. & B. tenent per war suam eadem tenementa cum pertinent in C. predicti in forma predicti, &c. & unde dicit quod ipsemet fuit seiffitus de eisdem tenementis cum pertinent in C. predicti in dominio suo ut de feodo & jure tempore pacis tempore Domine Regine nunc capiend' inde explez ad valentia, &c. & in que, &c. & inde producit sectam, &c.

The other vouchees the other Parcel,

Et predictus C. tenens per war suam de eisdem tenementis cum pertinent in S. predicti de tenementis predicti cum pertinent superius petiti parcel unde ipse superius vocab' ad war defendit jus suum quando, &c. & ulterius vocat inde ad war Edmundi Clent qui similiter p'sens hic in Cur' in propria persona sua & gratis eadem tenementa cum pertinent in S. predicti et war, &c. & super hoc predictus J. petit versus ipsum Edmundum tenentem per war suam

One Vouchee calls over the Common Vouchee for one Parcel,

suam eadem tenementa cum p[er]tinen[ti]a in S. p[re]dict[is] in forma p[re]dict[is], &c. & unde dicit quod ipsemet fuit seiscitus de eisdem tenementis cum p[er]tinen[ti]a in S. p[re]dict[is] in dominico suo ut de feodo & jure tempore pacis tempore D[omi]ne Regine nunc capi[en]do inde exple[re] ad valentiam, &c. & in que, &c. & inde p[ro]ducit sextam, &c.

The other  
Vouchee calls  
over the Com-  
mon Vouchee  
for the other  
Parcel.

Et p[re]dict[us] C. & B. tenentes p[er] war[um] suam de eisdem tenementis p[re]dict[is] cum p[er]tinen[ti]a superius p[er]it[ur] resid[ua] unde ipsi superius vocabantur ad war[um] defens[um] suum suum quando, &c. & ulterius vocant inde s[im]iliter ad war[um] p[re]dict[is] Edmundum Clent qui s[im]iliter p[re]sens est hic in Cur[ia] in p[ro]pria persona sua & gratis eadem tenementa cum p[er]tinen[ti]a in C. p[re]dicta ei war[um], &c. & super hoc p[re]dict[us] J. petit versus ipsum Edmundum tenen[tem] p[er] war[um] sua eadem tenementa cum p[er]tinen[ti]a in C. p[re]dict[is] in forma p[re]dict[is], &c. & unde dicit quod ipsemet fuit seiscitus de eisdem tenementis cum p[er]tinen[ti]a in C. p[re]dicta in dominico suo ut de feodo & jure tempore pacis tempore D[omi]ne Regine nunc capi[en]do inde exple[re] ad valentiam, &c. & in que, &c. & inde p[ro]ducit sextam, &c.

Common Vou-  
chee pleads  
*Non disseisvrit*  
as to the  
whole.

Et p[re]dict[us] Edmundus tenens p[er] war[um] suam de tenementis p[re]dict[is] integris cum p[er]tinen[ti]a defens[um] suum suum quando, &c. & dicit quod p[re]dict[us] Hugo non disseisvrit p[re]fatus J. de eisdem tenementis cum p[er]tinen[ti]a p[er] idem J. per W[il]helm & Narrationem sua p[re]dicta superius supponit & de hoc ponit se super Patriam, &c.

Demandant  
imparls, and  
Common Vou-  
chee makes  
Default.

Et p[re]dict[us] J. petit licentiam inde interloquendi & habet, &c. & postea idem J. revenit hic in Cur[ia] isto eodem termino in p[ro]pria persona sua & p[re]dict[us] Edmundus licet solemniter exa[men] non revenit sed in contemptum Curie recessit & default fecit ideo consideratum est quod p[re]dict[us] J. recuperet seiscit[um].

seisinam suam versus prefat' A. de tenementis p<sup>o</sup>  
 integris cum p<sup>o</sup>ineid & quod idem A. habeat de  
 Terra predict' C. ad valentiam Tenementorum  
 p<sup>o</sup>dict cum p<sup>o</sup>ineid in B. p<sup>o</sup>dict' superius versus e-  
 um ut tenend per war' suam petit & quod idem C.  
 inde ulterius habeat de Terra predict' Comundi  
 ad valentiam, &c. & quod idem A. habeat de ter-  
 ra p<sup>o</sup>dict' C. & B. ad valentiam tenementorum p<sup>o</sup>  
 dict' cum p<sup>o</sup>ineid in C. quod superius versus eos  
 ut tenentes inde per war' suam petit & quod idem  
 C. & B. inde ulterius habeant de Terra p<sup>o</sup>dict' Co-  
 mundi ad valentiam, &c. & idem Comundus in  
 mia, &c. & super hoc predict' J. petit h<sup>o</sup>ve D<sup>o</sup>  
 Regine Ric' Com<sup>o</sup> predict' dirigens de habere fa-  
 ciens ei plenar' seisinam de tenementis predictis in-  
 tegris cum p<sup>o</sup>ineid & ei conceditur retornabile h<sup>o</sup>  
 indilate, &c. postea scilicet vicesimo octavo die No-  
 vemb<sup>o</sup>is isto eode<sup>o</sup> Termino ven<sup>o</sup> h<sup>o</sup> in Cur' pre-  
 dict' J. in p<sup>o</sup>pria p<sup>o</sup>sona sua & Ric' videlicet W. A.  
 p<sup>o</sup>iles modo man<sup>o</sup> quod ipse virtute h<sup>o</sup>veis predict'  
 sibi direct' vicesimo quinto die Novemb<sup>o</sup>is ult' pre-  
 terit' habere fec' prefat' J. plenar' seisinam de tene-  
 mentis p<sup>o</sup>dictis integris cum p<sup>o</sup>ineid put p<sup>o</sup> B<sup>o</sup>ve  
 illud sibi p<sup>o</sup>cept' fuit, &c.

Judgment and  
 Recovery in  
 Value.

Seisin return-  
 able indilate.

Demandant  
 comes into  
 Court the last  
 Day of the  
 Term, and Sei-  
 sin delivered  
 three Days be-  
 fore,

The Forms of the Writs of *Mittimus* and  
*Dedimus*.

**D**omina Regina mandavit Justic' suis de  
 Banco h<sup>o</sup>ic B<sup>o</sup>ve suum de Mittimus clau-  
 sum unacum tenore c<sup>o</sup>jusda<sup>o</sup> B<sup>o</sup>veis de Dedimus  
 Potestatem de war' Actoz<sup>o</sup> recipiend' & retorn<sup>o</sup> es-  
 juldem Recnon warant' Actoz<sup>o</sup> inde recept' in hec  
 verba Anna Dei gratia Anglie Scotie Francie &  
 Hibernie Regina Fidei Defens<sup>o</sup>, &c. Justic' suis  
 T 3 de



de Banco salutem Tenores ciusdam Brevis de  
 Dedimus Potestatem dilecto & fideli suo C. M.  
 Militi ac dilectis sibi A. H. Armig R. B. Armig  
 R. D. Armig & J. G. Gen quatuor tribus vel  
 duobus eorū direc' de & p' receptione Attornati vel  
 Attornatorū conjunct' vel divisim quem vel quos  
 R. M. Generosus & M. uxor ejus pro se locis suis  
 coram prefat' C. A. R. & J. eis quatuor tribus  
 vel duobus eorū ponere aut constituere voluerint  
 Hlus C. B. Gen & T. S. Gen lucrans vel per-  
 dens in placito terre sup' breve nostro de ingressu  
 sup' disseisinā in le post coram vobis pendens inter  
 pref' C. & C. querentes & R. T. sacre Theologie  
 Professorē de manerio de C. cum p'cinen' ac de  
 sex mesuagiis decē totis duobus Columbar' decē  
 gardinis quadraginta acris bosci duobus millibus  
 accarū sampnorū & buere vigin' acris more de-  
 cē librat' reddit' & communia pasture p' omnibus  
 averiis cum p'cinen' in Charleby Carleby Wil-  
 stroppe Barneborow Bonchorp Gersforp Hollwel  
 Warham Castle Byrba Little Byrba & Ambys  
 alias Omby ac libera piscaria in aqua de Carleby  
 in Com' Lincoln' Qui quidem R. T. vocatis  
 pref' R. M. M. uxorem ejus & T. R. & M. uxo-  
 rē ejus ad war' ei manerium mesuagia reddit', &c.  
 p'missa p'dicta eid' p'cinen' ac retorū ejusdē bre-  
 vis ac war' in ea parte recepti in Cancellariā no-  
 strā missi ac in ejusdē Cancellarie nostre resident  
 vobis mittimus p'presentibus interclusū mandantes  
 quod inspectis tenoribus p'dictis ulterius ad pro-  
 secutionē pref' C. & T. S. fieri fac' quod de jure  
 & secundum Legem & Cons' Regni nostr' Anglie  
 fuer' faciendū Teste meipla apud Westm' vicesimo  
 octavo die Maii Anno Reg' nostr' quattodecimo.

Anna

Anna Dei gratia Angl' Scot' Francie & Hi-  
 nie Regina Fidei Defens', &c. dilecto & fideli suo  
 C. M. Militi ac dilectis sibi A. V. Armig' R. B.  
 Armig' R. M. Armig' & J. C. Gen' salutem cum  
 h'beve nostru de ingressu super disseisina in le  
 post pendeat cora Justic' nostris de Banco inter  
 C. B. Gen' & T. S. Gen' peten' & R. T. sacre  
 Theologie Professoru de manerio de Carleby  
 cu p'inen' ac de sex Mesuag' decem totis duobus  
 Columbar' decem gardinis quadragint' acris terre  
 decem acris prati centu acris pasture quinquaginta  
 acris bosci duobus millibus acraru sampnoꝝ &  
 h'uere viginti acris moze decem librat' reddit'  
 & communia pasture pro omnibus aver' cu p'inen'  
 in Carleby Wiltrop Parkebozow Ponchoz  
 Gzetford Hollwel Watha Castle Wytha Little  
 Wytha & Amby alias Omby ac libera piscar' in a-  
 qua de Carleby Rernon de Advocatione Ecclesie  
 de Carleby in Com' Lincoln ac p'edict' R. in ple-  
 na Cur' nostra coram Justic' nostris p'edict' com-  
 parens vocavit R. M. Gen' & M. uxoꝝ ejus &  
 T. R. Gen' & M. uxoꝝ ejus ad warrantizand ei  
 manerium & cetera p'emissa p'edict' cu p'inen' su-  
 per quo emanabit h'beve nostru de sund ad war'  
 Wic Com' p'dict' direct' versus eosde R. M. T. &  
 M. retoznabile cora Justic' nostris p'edict' apud  
 Westm' in Crastino Sancte Trinitatis prox' fu-  
 tur' & quia p'ed' R. M. M. T. & M. adeo impoten-  
 tes existunt quod absque maximo corpoꝝ suoz pe-  
 riculo usque Westm' cora Justic' nostris p'edict'  
 ad die in dicto h'ebi nostro de sund ad war' con-  
 tent' laborari non sufficiunt ut accepimus Nos  
 status eorunde R. M. M. T. & M. compatiences  
 in hac parte Dedimus vobis quatuor tribus vel  
 duobus vestru potestate & plena auctoritate reci-  
 end' attoznatu vel attoznatos que vel quos iidem

R. M. M. L. & M. ad war' vocand' ad lucrans  
vel perdens in placito predict' coram Justic' no-  
stris predict' locis suis coram vobis quatuor tribus  
vel duobus vestrum ponere aut constituere volue-  
rint recipiens Nosque inde in Cancellariam no-  
stram de nomine huiusmodi Attoznati vel Attoz-  
nator' debite certificand' & ideo vobis quatuor tri-  
bus vel duobus vestrum mandamus quod ad prefa-  
tos R. M. M. L. & M. psonaliter accedentes si  
comode ad vos quatuor tres vel duos vestrum labo-  
rari non sufficiunt Attoznatumque suum vel Attoz-  
natos suos recipiatis & cum Attoznatu illud vel  
Attoznatos illos sic cepitis Nos inde in Cancellaria  
nostram sub sigillis vestris quatuor trium  
vel duorum vestrum distincte & apte sine dilacione  
reddatis certiores hoc breve Nobis remittentes  
Teste meipsa apud Westm' quinto die Maii An-  
no Regni nostri secundo.

M. Smith p Dām Cancellar' Angl' ad in-  
stanc' petend.

Retorn' inde.

R. M. Gen & M. uxor ejus L. B. Gen & M.  
uxor ejus R. L. sac Theologie Professor  
po. lo. suis W. L. & L. W. conjunct' & divisim  
versus C. B. Gen & L. S. ad lucrans vel pndens  
in placito terre partes Nobis note cap't & cognit'  
apud C. in Com' L. ult' die Maii Anno Regni  
Regine Anne secundo coram nobis P. B. & J. C.  
virtute brevis de Dedimus Potestatem presentis  
bus annex'.

N. G.

J. G.

The

*The Charge of a Recovery with single Voucher, where the Tenant appears at Bar.*

	l.	s.	d.
<b>F</b> OR Drawing the <i>Præcipe</i> _____	0	2	6
For taking it into the Remembrance _____	0	1	0
To the Cursitor for the Writ of Entry _____	0	2	6
New Imposition for the Seal _____	0	0	6
The King's Fine rated by the Commissioners, according to the Value of the Lands.			
New Imposition, according to the Rate.			
To the Receiver _____	0	0	6
For a Doctor's Hand for entering and endorsing in Term-time _____	0	1	2
For drawing it at the Bar to three Serjeants _____	0	10	0
To the Box _____	0	0	6
Common Vouchee _____	0	0	4
To the Attorney General for signing the Writ of Entry _____	0	10	0
The Secondary in Court receives _____	0	2	6
Return of the Writ of Entry _____	0	2	0
Drawing the Count and Judgment _____	0	2	6
For exemplifying it, and Parchment _____	0	7	6
To the Prothonotary for the Entry thereof _____	0	10	0
For Sealing thereof _____	0	2	2
Imposition _____	0	7	6
For the Writ of Seisin and Return _____	0	4	0
For the Seal thereof and Imposition _____	0	1	1
For filing the Writs of Entry and Seisin with the <i>Custos Brevium</i> _____	0	2	4
and Common Vouchee _____			
Attorney's			



l. s. d.

Attorney's Fee	_____	o 6 8
But if your Recovery be with double Voucher, the Prothonotary will have of you for the Entry thereof	_____	o 14 6
And for every treble Voucher	_____	o 18 6
To the Clerk for every Voucher more	_____	o 2 0

*The Charge of a Recovery by Summons,  
Warrant of Attorney and Dedimus.*

l. s. d.

FOR Drawing the <i>Præcipe</i> and Warrant of Attorney	_____	o 3 4
<i>Dedimus Potestatem</i>	_____	I 4 2
Curfitor for the Transcription of the Return and Imposition	_____	o 11 0
The making of the Writ of Summons	_____	o 2 0
Sealing thereof with the Imposition	_____	o 1 1
Entry of the Summons for the Prothonotary	_____	o 4 6
If with a Warrant of Attorney, then	_____	o 6 6
To the Clerk for drawing and ingrossing the Summons	_____	o 2 6
To the Clerk for the Entering the Summons with <i>Mittimus</i> and <i>Dedimus</i> on the Roll	_____	o 5 4
For making and filing every Warrant of Attorney	_____	o 1 4
For Return of the Writ of Summons	_____	o 2 0
For filing thereof	_____	o 1 0

*Charges*

*Charges extraordinary, if the Recovery  
be under the Great Seal of England.*

	I.	s.	d.
FOR the <i>Certiorari</i> _____	0	13	4
For the Allowance thereof	1	9	6
For the Clerk for his Pains	0	6	8
For the Exemplification, every Skin	1	6	8
And to the King for the first Skin } for Imposition _____	2	0	0
For every other Skin for Imposition	1	0	0
For the Seal _____	1	0	6

Entry of a Recovery with Adjournments of  
the Term.

**A**lias prout patet, &c. (reciting the De-  
mand) Tenant appears & voc<sup>o</sup> inde ad  
war s. p. Ceid sum in Corn p<sup>o</sup>dict' habeat eid  
hic in Octab. Sancti Mich & sum in Corn p<sup>o</sup>dict'  
p auxilium Cur', &c. idem dies dat' est partibus  
p<sup>o</sup>dict', &c. ad quem diem loquela p<sup>o</sup>dict' adjoz<sup>o</sup>n  
fuit p breve Dom<sup>o</sup> Regis de Corn Adjoz<sup>o</sup>nament  
hic scilicet apud Westm in Corn p<sup>o</sup>dict' usque a  
die S<sup>c</sup>i Mich in unum mense tunc pr<sup>o</sup> seque<sup>o</sup>n  
ad qu<sup>o</sup> die loquela p<sup>o</sup>dict' ulterius adjoz<sup>o</sup>nata fuit  
p aliud brevi dicti Domini Regis de Comuni ad-  
joz<sup>o</sup>namento a Westm usque Will<sup>o</sup> dicti D<sup>o</sup>nd Reg  
gis de Reading in Comitatu Berks in C<sup>o</sup>o An<sup>o</sup>m  
tunc pr<sup>o</sup> seque<sup>o</sup>n & modo hic scilicet apud p<sup>o</sup>dict'  
Willam dicti D<sup>o</sup>nd Regis de Reading ad hunc die  
scilicet ad Crastinu An<sup>o</sup>m veni tam p<sup>o</sup>dict' H.  
in propria persona sua quam p<sup>o</sup>dict' G. per At-  
toz<sup>o</sup>nau<sup>o</sup>

This Entry was  
made (before  
the Statutes 16  
& 17 Car. 2.)  
when there  
were nine Re-  
turns between  
the Writs, and  
when the Re-  
turns of O<sup>o</sup>fab.  
Mich and Quin-  
den. Mich.  
were good.

toznatum suum p<sup>o</sup>ia' & p<sup>o</sup>ict' S. modo sum, &c.  
 p R. G. Attoznat suum sicut v<sup>o</sup>id & gratis ten-  
 menta p<sup>o</sup>ict' cum p<sup>o</sup>in' eis war', &c. & sup hoc p<sup>o</sup>  
 dia' H. p<sup>o</sup>et s<sup>o</sup>lus ipsum S. tenend per war suam  
 tenementa p<sup>o</sup>ict' cum p<sup>o</sup>inend in forma p<sup>o</sup>icta,  
 &c. & unde dicit quod ipsimet fuit seist, &c. & in  
 de p<sup>o</sup>duc' lectam, &c.

Et p<sup>o</sup>ia' S. tenend p war suam defend' sus su-  
 am quando, &c. & ulterius voc' inde ad war p.  
 D. habeat eum hic a die Pasch in quindecim dies  
 & sum in Comd p<sup>o</sup>ia' per auxilium Cur', &c. 3.  
 de dies dat est tam p<sup>o</sup>iat J. & W. quam p<sup>o</sup>iat' S.  
 hic, &c. ante quod diem loquela p<sup>o</sup>ict' ulterius ad-  
 joznata fuit per aliud Breve dia' Domini Regis  
 de Comuni Adjoznamento & p<sup>o</sup>ict' Willa dicit  
 Domini Regis de Reading in Comitatu Berks  
 usque ad Westm in Comd Midd' usque ad eandem  
 Quindem Pasch, &c.

Al' forma Brevis de sum' vers le deux  
 Vouchees.

ff. Sum p bonos sum M. D. quod, &c. oct  
 Martini ad war H. S. quem J. D. alias voc' ad  
 war & qui ei war unum Meluagium, &c. cum p<sup>o</sup>  
 tinen' in D. que A. B. & M. S. in Cur' nostra  
 rogam, &c. clam ut jus suum s<sup>o</sup>lus p<sup>o</sup>iat H. tenend  
 inde p war suam p breve nostrum de ingressu sup  
 disseisinam in le post & unde idem W. in eadem  
 Cur' nostra voc' p<sup>o</sup>iat W. sum in Comd tuo ad  
 war versus eos & habeas ibi sum & hoc breve  
 Teste, &c.

Original'

Original' ubi Vic' tenens,

II. Corond' suis in Comd' Lincoln salutem Pre-  
cipe T. M. Will & C. D. Cfo Animarum uni-  
mens, &c. Quia p'dict' T. modo est Vic' Comd' p'dict'  
Ideo fiat executio istius b'revis p' p'dict' Corond',  
&c. Ita quod p'dict' Vic' cum executione inde se a-  
liqualiter non intromittat.

Original to the  
Coroners.

Trin' 14 Eliz. Rot' 90.

Domina Regina mand' Justic' b'rebe de ingressu  
in le post pro Comuni Recuperatione in Trin-  
quinto Edwardi quarti Rot' 368. & ante non videt  
p' filmer.

Al' forma intrandi Breve de Mittimus.

Trin. 14 Eliz. Rot' 90.

Domina Regina mandabit Justic' suis de Ban-  
co b'rebe suum Clausum in hec Verba (and so  
recite the Mittimus) Teste meipsa apud Westm'  
decimo die Passi Anno Regni nostri decimo quar-  
to Ead' Tenores unde in b're' p'dict' sit mentio  
sequuntur in hec Verba Eliz. so recite the De-  
dimus Potestatem and the Execution of it as  
you find.

Mich. 10 Car. Rot' 50.

Henricus Gold *versus* Thomam Thyme.

Et super hoc p'dict' Henricus dicit quod pre-  
dict' T. Vic' Comd' predict' modo existit & ea de  
causa petit b'rebe Domine Regine de habere  
faciend'

Writ of Seisin  
to the Coro-  
ners,



faciend' ei plenariam seisinam de tenementis p'di cum p'cin' Coron' Com' p'dict' dirigend' & quia p' inspectionem tam brevis originalis in placito p'dict' impetrat' & retornabil' & retornat' hic a die Sancti Michaelis in unum mensem isto eodem Termino quam aliorum brevium Com' p'dict' ad eundem mensem Sancti Michaelis in Banco hic retornat' & affilat' predicta allegatio predicta' Veritas comperita est vera ei conceditur retornabile hic indilate, &c.

*Nota.*

Le brief de seisin fuit fait obe ceuz parols en le fine ff. Quia p'dictus L. modo est Wic, &c. (p' ut in fine original') Mes Poyle trabe euz hoys car le brief de seisin poit estre sans les parols.

Unus Tenen' est Vic' ideo breve de seisin agard Coron'.

*Simile.*

Et sup hoc p'dict' A. & C. dic' quod p'dict' H. unus Tenen' p'dict' Wic' Com' p'dict' modo erit' & ea de causa pet' bre' Dne Regine de habere fac' eis plenam seisinam de tenementis p'dict' cum p'cin' Coron' Com' p'dict' dirigend' & quia p' inspectionem tam bre' original placit' p'dict' retornabil' & retornat' hic in C'ro Sancti Mart' isto eodem Termino quam aliorum brevium Com' p'dict' ad eundem Crastin' Sancti Mart' in Banco p'dict' hic retornat' & affilat' & retornat' eorundem allegatio p'dict' comperita est vera eis conceditur retornabile hic indilate, &c. postea scilicet vicesimo octavo die Novemb' isto eodem Termino ven' hic in Cur' p'dict' A. & C. in pp' person' suis & Coron' videlicet M. S. & H. B. modo mand', &c. Mich' 33 & 34 Eliz. Rot' 63.

Le Vouchee est Vic' ideo breve de sum' direct' al' Coron'.

In Com'nd recuperation' Tenen' compuit & voc' inde ad war' Georgium Comite' Cumb' sum' in Com' p'dict p' auxilium Cur', &c. \* & sup' hoc i' idem J. & R. dic' quod p'dict Comes est Vic' Com' p'dict & ea de causa per' h're Dne Regine de sum' ad war' Cor'nd Com' p'dict dirigens a quia satis constat Cur' hic p' recoznd' h'rebnd' Com' p'dict hic in Cur' residend' quod allegatio p'dict' vera erit' p'cept' est Cor'nd Com' p'dict' quod sum' p' bonos sum' p'dict' Comitem quod sit hic a die Sanct' Mart' in quindecim dies ad war' in forma p'dict', &c. Idem dies dat' est partibus p'dict' hic, &c.

*Nota.*  
Writ of Summons to the Coroners.  
\* Les Parols.

Uide simile' in'ratione' Pasch' 3 Henr' octavi Rot' 325. & Mich' 3 Henr' octavi recuperationem inde.

Le Vouchee est Vic' uncore les breve de sum' & seisin retorn per luy.

Devon' ff. **R** Dupe versus Sable Tenens p' sum' comperuit & voc' C. S. p'it & le sum' fuit recoznd' per le Vouchee este' ant' Vic' & auxi le seisin per luy Mich' 15 Jac' Rot' 43.

*Nota.*

Breve de seisin retorn' servie per le Vic'.

London ff. **S** Eissina recoznd' Octabis Martini ad quem diem hic ven' p'dict' L. in propria persona sua & Vic' videlicet R. S. & C. C. modo mans' h'rebe p'dict' eis p' J. L. & H. W. nuper Vic' London' in eorum exitibus

exitibus ab officio suo Wic London deliberat' per  
eandem nuper Wic execut' in forma sequend' videt'  
quod nup Wic vicesimo septimo die Junii ult' pte-  
rit' habere fec' p'fat' E. plenar' seisinam de Tene-  
mentis p'dict' cum p'tinen' p'ut p' breve ill' eis pre-  
cept' fuit, &c. Trin 15 Jac 81. lib' de entries  
fol. 617.

Sum' continue per Vic' non mis' breve.

Northumbr' ff. J. H. petit versus W. W. qua-  
tuor Meluagia, &c.

Et p'dict' W. in propria persona sua, &c. voc'  
R. W. habeat eum hic in Crastin' Animarum &  
sund, &c. & super hoc p'dict' W. po. lo. suo E. H.  
&c. de p'dict' placito, &c. ad quem diem hic ven-  
tam p'dict' R. in pp'ia p'sona sua quam p'dict' W.  
p' p'dict' E. H. Accoznat suum & vic' nihil inde  
fec' nec breve ill' mis' Ideo p'dict' R. sicut prius  
sund quod sit hic in Octab. Sancti Hill'. Idem  
dies dat' est partibus p'dict' hic, &c. Trin 14 Car'  
Rof 49. Pasch 33 Eliz. Rof 16. Pasch 1 Jac'  
Rof 56.

L'un des Vouches morust sur que le Tenant  
revouch' l' autre.

Hillar' 3 Car' Rof 58. Willus E. versus  
M. A. &c. qui voc' P. B. & J. D. Crastin' Trin  
sund, &c. Idem dat' est partibus p'dict' hic, &c. ad  
quem diem hic ven- tam p'dict' W. in pp'ia per-  
sona sua quam p'dict' M. p' P. B. H. Accoznat suum  
& Wic nichil inde fec' nec breve inde mis' & sup'  
hoc idem W. dic' quod post ultimam continuati-  
on' placit' p'dict' scilicet post Octab' Sancti Hill'  
ult' p'terit' de quo die loquela p'dict' ult' continuat'  
fuit

## Recoveries.

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fuit hic usque ad hunc diem scilicet decimū diē A.  
pills Anno Regni Domini Regis nunc quarto  
pōia' p. apud T. pōia' oblit pōg J. ipsum sup-  
vitic sup quo pōict p. reboe inde ad war pōia'  
Idem sum in Comd pō habeat eum hic in Crasti-  
no Animarum p autillium Cur, &c. Idem dies  
dat est partibus pō hic, &c.

## Un des Vouchees fait Chivalier.

Mich 13 Jac Rot 1. Alias put patet, &c. &  
hoc inde ad war A. & B. Ar sum, &c. Ad quas  
quidem Dna b Sancti Mart vend hic tam pōia' pet  
quam pōia' tenend in propria persona sua & pōict  
A. & B. (qui quidem B. post ult continuation)  
pōict pōia' ordinem militar super se suscepit &  
modo miles existit) sum, &c. p J. p. Artozū  
suum sicut vend & gratis, &c.

Irrotulatio & Exemplificatio Brevis de In-  
gressu & Seisina, &c. secundum Statut'  
de Anno 23 Eliz. cap. 3.

II. Elizabetha, &c. Omnibus ad quos Litere  
nostre pervenerint salutem Sciāt quod A. B. in  
Cur nostra coram, &c. implacitavit C. D. de uno  
mesuagio cum ptinend in D. per Breve nostrum  
de ingressu super disseisinam in le Post cuius quis-  
dem hze' unacum retozno esuldem hze' ac placito  
super eodem hze' hic ac hze' de seisina inde una-  
cum retozno esuldem hze' de seisina necnon war  
Artozū inde recepit tenores sequuntur in hec Cha  
II. Eliz. &c. (& ut recit' hze' de ingressu ver-  
batim cum retozū inde & tunc) placita apud  
Westm coram J. Dyer Mil & iustis suis Justic

And so recite  
the Writs of  
Entry, &c.  
verbatim with  
the Return  
thereof, &c.

U

One



Dñd Regine de Banco de Termin Patsh And  
Regni Eliz. Dei gratia, &c. sexto Rotulo 100  
Debon n. A. B. (tunc ut in Rot cum hze de let  
Ana & retord inde & tunc war Attozd sic) Ac  
tozd recept coram J. D. Pil & locis suis Justie  
Dñd Regine de Banco de Termin Patsh And  
Regni Eliz. &c. sexto A. B. pò. lo. lno G. D. &  
sus C. D. de plit terre (& tunc war def.) Que  
omnia & Angula, &c.

## Aliter.

Another Form  
thereof.

Reciting the  
Writs of Entry  
and Seisin, and  
their Returns,  
*que omnia, &c.*

Carolus, &c. salutem Sciāt quod inter scroth  
lanita bzevium & aliozum dependē p communi  
bus recuperationibus apud Westm secundum  
formam statut de Termino Sci Pil Anno Regni  
nost' decimo quinto & decimo sexto Rot 1 cont sic  
Miles n. Carolus, &c. (sic recte le hze de Ch  
try le Curesrozs nold & tout l' endozment put  
ced trobes) Que omnia & Angula ad requisitionem  
pdict H. G. (le dñi) tenore pntium diximus  
evemplificand in cufus rei Testimonium sigillam  
nostrum ad hze' in Banco pdict sigill deputat p  
sentibus apponi fecimus Teste Tho. Tyril Bant  
Tzown & Johe Archer Justie nostris de Ban  
co apud Westm 18 die Januar Anno Regni no  
stri decimo quinto.

Tyril, Brown, Archer.

## Various Forms of Demands.

n. **P**Ecit unum meluagium duas acras terre  
quatuor acas prati sex acras pasture &  
communiam pasture pro omnibus averiis cum  
ptinen

ptinen in A. D. & unde dic quod ipsemet fuit  
leist de tenementis & communia pdict cum ptin  
nen in dominico suo ut de feodo & jure tempore  
pacis, &c.

¶ Per unum mesuagium duas acras terre qua-  
tuor acras prati sex acras pasture decem solidat  
reddit & communiam pasture pro omnibus adis  
cum ptinen in P. &c. & unde dic quod ipsemet  
fuit leisti de tenementis reddit & communia pdict  
cum ptin in dominico suo ut de feodo & jure tem-  
pore, &c.

¶ Per unum mesuagium duas acras terre qua-  
tuor acras prati sex acras pasture octo acras bolci  
quingagint acras sampnorum & bñere quadra-  
gint acras moze sepiuagint acras juncarie decem  
acras marisci decem acras alnei decem acras rus-  
carie quinque acras terre aqua coopf decem solidat  
reddit communiam pastur p omnibus averiis vis  
franc pleg liberam warena libera piscaria lib-  
tatem saldagii acetiam nundinas & mercatthe olo-  
nium stallagium & picagium catalla felonum fugi-  
tivozum uclagat & in erigend possit deodand catal-  
la waviaf & extrahur cum ptinen in A. B. & C.  
necnon rectozias de B. & C. cum ptinen ac omnes  
ac omniot decimas eisdem rectozis spectand & ptin  
nen acetiam advocacionem Ecclesiarum de D. &  
C. ac advocaciones vicarie Ecclesie de F. ut sus,  
&c. & unde dic quod ipsemet fuit leisti de tenemen-  
tis reddit Communia vis franc pleg libera wa-  
renna libera piscaria libertate saldagii nundinis  
mercat theolonio stallagio & picagio catallis felo-  
num fugitivozum uclagat & in erigend possit deo-  
dand catallis waviaf extrahur rectozis & decimis  
pdict cum ptinen in dominico suo ut de feod &  
jure ac de advocacionibus pdict ut de feod & jure  
tempore pacis, &c.

Quando, &c. & gratis tenementa reddit communiam vis franc pleg & liberam warennam liberam piscariam libertatem salvagii nundinas mercatoeolontium stallagium & picagium catalla felonum fugitivorum uclagat & in exigent possit deodant catall wadiat extrahat rectozias & decimas pdict cum ptinen ac advocaciones pdict et war, &c. & sup hoc, &c.

Hill. 1 Jac. Rot. 84.

Devon' ff. **P**et Hundzund de A. cum ptinen ac maneria de A. & C. necnon custod Gaole Comd pdict cum ptinen acetiam centum mesuagia, &c. bolci sampnozum & bzuerie reddit vis franc pleg cum ptinen in A. & B. ac advocacionem Grelesse de B. ut jus, &c. & unde dic quod ipsimet fuer seissit de hundzedo maneriis custod Gaole tenementis reddit & vis franc pleg pdict cum ptinen in dominico suo ut de feod & iure & de advocacione pdict ut de feod & iure, &c.

Hill. 1 Jac. Rot. 26.

ff. Pet manerium mesuagium & tenementa in H. necnon nundinas mercatoe & vis franc pleg ad ptin in H. &c.

Hill. 1 Jac. Rot. 21.

ff. Pet sicut nup monasterii fratrum minorum cum ptinen ac unum mesuagium cum ptinen in B. & unde dic quod ipsemet fuit seissit de situ & tenementis pdict cum ptinen.

Hill.

Hill. 1 Jac. Rot. 22.

¶. Pet reddit & libertat salvagii & curius oris  
um cum pñd.

Mich. 2 Jac. Rot. 63, & 69.

¶. Pet unum mesuag, &c. & communia pas  
sur p omnibus adiss ac duas partes quadragint  
acras holci in trigint & tres partes dividens cum  
pñd in A. &c.

Mich. 2 Jac. Rot. 187.

¶. Pet duo passagia ultra aquam Th. ac medi  
etat manerit, &c. fuit scitit de passag & medietat  
pñd cum pñd in dominico suo ut de feodo &  
jure, &c.

Mich. 2 Jac. Rot. 185, 186. Mich. 2 Jac.  
Rot. 72.

¶. Pet libertat quatuor salvagiorum cum pñ  
d in C. &c.

¶. Pet reddit & libertat quatuor salvagiorum  
cum pñd in C. &c.

¶. Pet decimas portiones pensiones oblationes  
obventiones pñcia & emolumenta quecunque  
rector de B. pñd necnon quandam portionem  
decimarum in B. ac etiam advocacione vicarie.  
Pasch. 1 Jac Rot 60, & 62.

Pasch. 8 Jac. 1 Rot. 163.

¶. Fuit scitit de manerio tenementis libe  
ra piscaria reddit rectoria decimis wardis mor  
tuagii relevit escaetis catallis fugitivorum  
Uz pñd Jac. & felonum



felonum de se & in exigentibus possit utlagatorum  
attrinck & wapiat cum pincen in dominico suo ut  
de feod & jure ac de advocacione pincet ut de feod &  
jure, &c.

Pasch. 8 Jac. Rot. 163.

ff. Pet maneria tenementa & reddit in A. (ex-  
cept un' mesuag' duobus gardin), &c. in A.) ut  
sus, &c. fuit seist de maneriis tenementis & red-  
dit pincet cum pincen (except pcept.)

Pasch. 16 Car. Rot. 39.

Lincoln' ff. A. pet. sicut A. s. unum me-  
E. s. unum & tresdecim acras  
terre cum pincen in A. & C. ac medietatem  
septem pincen advocacione Ecclesie de A. in octo  
partes dividend ut sus, &c. unde dic quod ipsemet  
fuit seist de tenementis & medietate pincet septem  
partium manerii pincet cum pincen in dominico  
suo ut de feodo & jure ac de predicta medietate pincet  
septem partium advocacione pincet ut de feodo &  
jure, &c.

Rotunda, &c. & gratis tenementa & pincet  
predicta septem pincen maner pincet cum pincen  
ac pincet medietate septem partium advocacione pincet  
pincet ei war, &c.

Mich. 43, & 44 Eliz. Rot. 43

ff. Pet Castrum & Burgum de C. cum pincen  
ac Hundres & Doverium de C. & C. cum pincen  
necnon trigint mesuag' duo columbar' trigint  
gardin mille acras terre decem' sicut hincet quinqu-  
gent acras sanipnoy & hincet quingent acras  
marisci sicut sicut librat rotoll vici sicut pincet &  
punditas & mercat cum pincen in C. & C. acce-  
ciam

etiam liberam piscariam in aquis de A. C. & W.  
que claud, &c. & unde dic quod ipsemet fuit sei-  
sit de Castro Burgo Hundredo manerio tenemen-  
tis reddit vñ franc' pleg' mercat & libera pesca-  
ria cum ptinend in dominico suo ut de feodo & ju-  
re, &c.

II. Pet manerium de B. cum ptinend ac tria  
mesuagia unum molendinum yd Columbar' sex  
gardina centum acras terre viginti' acras prati qua-  
draginti' acras pasture cum ptinend in B. & C. &  
unde dic quod ipsemet fuit seiſit de manerio & te-  
nementis pñia' cum ptinend in dominico suo ut  
de feodo & jure tempore, &c.

II. Pet unum mesuagiū cum ptinend in B. &c.  
& unde dic quod ipsemet fuit seiſit de mesuagio  
pñia' cum ptinend in dominico suo ut de feodo &  
jure tempore, &c.

II. Pet duo mesuagia cum ptinend, &c. seiſit  
de tenementis pñ cum ptinend.

Mich. 15 Car. 2. Rot. 46.

Wils' II. **P**et Hundredum de W. cum per-  
tinen ac maneria de D. & S. cñ  
ptinend necnon parcum de L. cum ptinend acce-  
ciam quadraginti' mesuagia mille acras terre cum  
ptinend in D. &c. ac rectoziam de S. cum pñia  
necnon omnes & omnia decimas annuatim cres-  
cent' proveniend seu renovand in H. S. & R. ace-  
ciam advocaciones de C. & D. ut jus, &c. & unde  
dic quod ipsemet fuit seiſit de hundzo manerio  
parco tenementis & rectozia pñia' cum pñia ac de-  
cimis pñ in dominico suo ut de feodo & jure necnon  
de advocacione pñia ut de feodo & jure tempo-  
re pacis, &c. Quando, &c. & gratis Hundredum  
manerium parcum tenementa & rectoziam pñ cum  
pñia ac decimas & advocaciones pñ ei war, &c.

felonum de se & in exigens possit uelagatorum  
accinct & wapiat cum pincen in dominico suo ut  
de feod & jure ac de advocacione pincit ut de feod &  
jure, &c.

Pasch. 8 Jac. Rot. 163.

II. Pet maneria tenementa & reddit in A. (ex-  
cept un' meluag' duobus gardin', &c. in A.) ut  
jus, &c. fuit seisiit de maneris tenementis & red-  
dit pincit cum pincen (except pcept.)

Pasch. 16 Car. Rot. 39.

Lincoln' II. E. A. pet. sicut A. sicut unum me-  
suarium & tresdecim acres  
terre cum pincen in A. & C. ac medietatem  
septem pincen advocacione Ecclesie de A. in octo  
partes dividens ut jus, &c. unde dicit quod ipsemet  
fuit seisiit de tenementis & medietate pincen  
partium maneris pincit cum pincen in dominico  
suo ut de feodo & jure ac de predicta medietate pincen  
septem partium advocacione pincit ut de feodo &  
jure, &c.

Volendo, &c. & gratis tenementa & medietatem  
predicta septem pincen maneris pincit cum pincen  
ac pincit medietatem septem partium advocacione pincit  
pincit ei war, &c. Mich. 43, & 44 Eliz. Rot. 49.

II. Pet Castrum & Burgum de C. cum pincen  
ac Hundres & Mouturum de C. & pincit cum pincen  
necnon triginta meluag' duo columbar' triginta  
gardin' mille acres terre decem' fides habet quinqu-  
gent acres sanctorum & huet' quingent acres  
mactis fides per librat' vobis vobis pleg' &  
moutur' & mercat' cum pincen in C. & pincit ac-  
ciam

etiam liberam piscariam in aquis de A. C. & W.  
que claud. &c. & unde dic' quod ipsemet fuit sei-  
st de Castro Burgo Hundredo manerio tenemen-  
tis reddit' bis franc' pleg' mercat' & libera pesca-  
ria cum ptinend in dominico suo ut de feodo & ju-  
re, &c.

II. Pet' manerium de B. cum ptinend ac tria  
mesuagia unum molendinum unum Columbar' ser-  
gardina centum acras terre viginti' acras prati qua-  
draginti' acras pasture cum ptinend in B. & C. &  
unde dic' quod ipsemet fuit seiist de manerio & te-  
nemen'is p'dia' cum ptinend in dominico suo ut  
de feodo & jure tempore, &c.

II. Pet' unum mesuag' cum ptinend in B. &c.  
& unde dic' quod ipsemet fuit seiist de mesuagio  
p'dia' cum ptinend in dominico suo ut de feodo &  
jure tempore, &c.

II. Pet' duo mesuagia cum ptinend, &c. seiist  
de tenementis p'd cum ptinend.

Mich. 15 Car. 2. Rot. 46.

Wils' II. **P**et' Hundredum de W. cum per-  
tinend ac maneria de D. & S. cum  
ptinend necnon parcum de L. cum ptinend ace-  
ciam quadraginti' mesuagia mille acras terre cum  
ptinend in D. &c. ac rectoziam de S. cum ptin  
necnon omnes & omnes decimas annuatim cres-  
cent' proveniend seu renovand in H. S. & P. ac-  
ciam advocaciones de C. & D. ut jus, &c. & unde  
dic' quod ipsemet fuit seiist de hundro manerio  
parco tenementis & rectozia p'dia' cum ptin ac de-  
cimis p'd in dominico suo ut de feod & jure necnon  
de advocacione p'dia' ut de feodo & jure tempo-  
re pacis, &c. Quando, &c. & gratis Hundredum  
manerium parcum tenementa & rectoziam p'd cum  
ptin ac decimas & advocaciones p'd ei war, &c.



Peſt unam acram terre cum pertinenſ, &c. &  
unde, &c. ſeiſit de pꝛedia una acra terre cum p  
tinenſ, &c.

Peſt duas acras terre cum pertinenſ, &c. &  
unde ſeiſit de tenementis pꝛedict cum pertinenſ,  
&c.

Hill. 6 Jac. Rot. 61.

II. Recuperatio de annuo redditu exendi de  
manerio, &c.

Mich. 3 H. 8. Rot. 113.

III. Common Recovery, ſur Breve de Di  
ſſeſſe.

Hill. 5 Eliz. Rot. 10.

Notando.

W̄ dentrye vers un Viſcount ſerr' iſſint noſme  
& nemy Seignior, en le Caſe de Seignior, Poun  
rague.

W̄ m̄oit lieu & Comd ou acc ſerr' pozt per  
W̄ilſor W̄ quod reddat poit ēē paſſe ſi le terre  
eſt en W̄ill ou Hamlet ou lieu conus Hors de  
W̄ill ou Hamlet.

W̄es per W̄oyle Aſſ. giſt en Hamlet ou lieu co  
pus car iſt rec' per vlew de Juroz iſſint in vobis  
er car la el viz. la demandant ne ad terre en cer  
tem iſſint in Trespaſſe W̄es pꝛeciꝑe quod reddat  
giſt dun Mannor ſans menton ou le mannoz & ſi  
le mannoz ſoit Hors de W̄ill & Hamlet.

See the Form  
of the Surren  
der at the End  
of this Book.

Leas pur vie Ceſtuy en reversion v̄oz ſuſſer  
Common Recovery mes ne pozt pur ceo que le  
Leſſee ad le Franktenement ergo la voy de ceo  
eſt le Leſſee ſurrendꝛa en reversion & donque iſt  
poit ſuſſer Recovery W̄es pur le Aſſurance del te  
nant

nant que l'le n'aura p'judice per son sur le use est  
pur luy de faire le surt sur cond que si celui en  
reversion ne paya al Lessee un grand l'ume d'argent  
al un jour le surt sera void,

W. P. 99.

Upon View of the Deed that did lead the  
Uses of a Recovery, in which the Town  
where the Lands lay was rightly named  
(Sutton,) the Writ of Entry was amended,  
where it was written *Sulton*.

Pat. 39 Eliz. Rot 28. Common Recovery  
d'un Advowson sur Breve de Droit & Ad-  
vowson.

Bucks' ff. **W**illus Palmer in propria perso-  
na sua pet versus P. D. Cli-  
cum advocacionem Ecclesie de P. quam ei injuste  
deceit, &c. & unde dicit quod ipsemet fuit seist de  
advocatione predicta ut de feodo & iure tempore patris  
tempore Domine Regine nunc & sic inde seist  
existens ad Ecclesiam illam vacant presentavit  
quendam Richardum R. Clericum suum qui ad  
presentationem ipsius W. P. fuit admissus &  
instituit in eadem tempore patris tempore Domine  
Regine nunc qui quidem R. R. cepit inde exple  
ut in grossis decimis minoris decimis oblationibus  
& obventionibus ad valentiam, &c. ut in iure Ec-  
clesie sue predicta & quod tale sit ius suum offert, &c.  
& predicta P. in propria persona sua venit & defendit  
ius predictum W. P. & seistnam suam quando, &c.  
& totum, &c. & quicquid, &c. maxime de advoca-  
tione predicta ut de feodo & iure, &c. & hoc inde ad war-  
t. A. genit qui presens est hic in Cur in propria  
persona



ut de feod & jure, &c. & ponit se in magnam Assi-  
sam Dñd Regine & pet recogn inde fieri utrum  
ipse magis jus habet tenend advocacionem predict  
ut tenens inde per war suam ut ill tenet an ptes  
W. habend advocacionem ut ill superius pet, &c. &  
predict W. P. pet licenc inde interloquendi &  
habet, &c. & postea idem W. reven hic in Cur  
isto eodem Termino in ppria psona sua & predict  
R. P. licet solempnit exact non reven sed in con-  
tempt Cur recessit & default fec idem considerat  
est quod predict W. P. recuperet seissnam suam  
versus prefat W. de advocacione predict tenend &  
idem W. & heres suis quiete de predict W. & he-  
res suis acetiam de predict J. A. & heres suis nec  
non de predict R. P. & heres suis imperpetuum  
& quod idem W. habeat de terra predict J. A. ad  
valenc, &c. & quod idem J. A. ulterius habeat de  
terra predict R. P. ad valenc, &c. & idem R. in  
mia, &c. & super hoc pñct W. pet breve Domi-  
ne Regine faciens ei plenar seissnam de advocati-  
on predict vic Com predict dirigens & ei conce-  
ditur, &c. retornabile hic a die Pas in quinque  
septimanas, &c. ad quem diem hic veid pñct W.,  
in propria psona sua & vic videlicet A. H. Ar-  
mudo mand quod ipse virgite brevis illius sibi di-  
recti vicefimo die Aprilis ultimo preterito habere  
fecit dñat W. P. plenar seissnam de advocacionem  
pñct pñt p breve illud sibi prept fuit.

Hill. 6 Jac. Rot. 20.

II. Recuperatio in breve de rō Advocacionis  
petit exple, &c. ut in jure Ecclesie sue pre-  
dicte.

Pasch.



Pasch. 14 Eliz. Rot. 427.

II. In Consil. Pet. nact. super presentationem  
A. prius sui & filii presentationem suam propriam.

Hill. 6 Jac. Rot. 152.

II. Recuperatio de Abbocatione quinte partis  
Abbocationis, &c.

Mich. 2 Jac. Rot. 29.

II. Pet. Abbocationem medietatem Ecclesie  
de C.

Pasch. 23 H. 8. Rot. 336.

II. W. S. J. A. & C. P. p. C. P. Actorum Iud.  
pet. versus R. W. & J. C. & J. B. manerium de  
R. cum pertinentiis ac octo meluagis octo gardinis  
tredecim & decem acras terre septuaginta acras pas-  
si centum acras pasture triginta acras bosca triginta  
acras sampionum & hyeme & triginta solida reddit  
cum pertinentiis in B. &c. ut ius & hereditatem suam  
am & in que lidem R. J. & J. non habent Ingressum  
nisi post disseisinam quam Hugo Hunt inde iniussit  
& sine iudicio sec. p. fact. W. J. & C. post primam,  
&c. & unde dicitur quod ipsius fuit seissit de manerio  
tenementis & redditus predicti cum pertinentiis in domi-  
nicio suo ut de feodo & iure tempore pacis tempore  
Regis nunc capiend. inde expleat ad volentiam,  
&c. & in que, &c. & inde producat fecit,  
&c.

Quoad

Quoad 3 partem voc' T.

Et predict' R. J. & J. in propriis personis suis  
 idem & defend' sui suum quando, &c. & quoad  
 tertiam partem manerii tenementorum & reddit'  
 predict' cum pertineñd' hoc inde ad war' T. J. Ar  
 qui p'sens est hic in Curia in propria persona  
 sua & gratis eandem tertiam partem cum per  
 tineñd' eidem R. J. & J. war', &c. & super hoc  
 predict' W. J. & G. pet' versus ipsum T. tenen  
 per war' suam tertiam partem predict' cum perti  
 neñd' in forma predict', &c. & unde dic' quod ipsi  
 met fuer' leisi de tertia parte predict' cum pertineñd'  
 in dominio suo ut de feod' & iure tempore pacis  
 tempore Domini Regis nunc caplen' inde exple's  
 ad valentiam, &c. & in quam, &c. & inde produc'  
 lect', &c. & quoad medietatem rest' manerii tene  
 mentorum & reddit' predict' cum pertineñd' eidem  
 R. J. & J. hoc inde ad war' A. M. gen' qui p's  
 sens est hic in Cur' in propria persona sua & gra  
 tis eandem medietatem cum pertineñd' eidem R.  
 J. & J. war', &c. & super hoc predict' W. J. & G.  
 perant versus ipsum A. tenen per war' suam me  
 dietatem p'dict' cum pertineñd' in forma p'dicta, &c.  
 & unde dic' quod ipsimet fuer' leisi de medietat' p  
 dict' cum p'dict', &c. & inde produc' lect', &c. & quo  
 ad totum rest' maner' tenementorum & reddit' p  
 dict' cum p'dict' eidem R. J. & J. hoc inde ad war'  
 C. B. qui p'sens est hic in Cur' in p'pria p'sona  
 sua & gratis rest' illud cum p'tineñd' eidem R. J.  
 & J. war', &c. & super hoc p'dict' W. J. & G. pe  
 unt versus ipsum C. tenen per war' suam rest' il  
 lud cum pertineñd' in forma p'dicta, &c. & unde  
 dic' quod ipsimet fuer' leisi de rest' predict' cum  
 pertineñd' & in quod, &c. & inde produc' legam, &c.

Le

## Le Common Vouchée.

Et predicti T. A. & C. separatim tenent p̄ war suam separatim defendit ius suum quando, &c. & idem T. quoad predictam tertiam partem cum pertinent' versus eum petit ulterius voc' inde ad war R. W. qui p̄sens est hic in Cur' in propria persona sua & gratis eandem medietatē cum pertinent' ei war', &c. & predicti A. quoad predictam medietatē cum pertinent' versus eum petit ulterius voc' inde ad war' p̄fati R. qui p̄sens est hic in Cur' in propria persona sua & gratis eandem medietatem cum pertinent' ei war', &c. & predicti T. quoad predictam residuam cum pertinent' versus eum petit ulterius voc' inde ad war' predicti R. qui p̄sens est hic in Curia in propria persona sua & gratis residuū illud cum pertinent' ei war', &c. & super hoc predicti W. J. & C. petunt versus ipsum R. tenent' per war' suam maner' tenementa & reddit' predicti integra cum pertinent' & unde dic' quod ipsemet fuer' seissit de maner' tenementis & reddit' predicti cum pertinent' in dominio suo ut de feodo & iure tempore pacis tempore Domine Regine nunc capiend' inde exple' ad valentiam, &c. & in que, &c. & inde p̄ducti sect', &c.

Et predicti R. tenens p̄ war' suam defendit ius suum quando, &c. Et dic' quod predicti Hugo non disseisivit p̄fati W. J. & C. de manerio tenementis & reddit' predicti cum pertinent' p̄ut' ibidem W. J. & C. p̄ breve & narrationem sua p̄dicta' superius suppon' Et de hoc ponit se super patriam, &c. Et p̄dicti W. J. & C. p̄t' licentiam inde interloquendi Et habent, &c. Et postea ibidem W. J. & C. revent' hic in Cur' isto eodem termino per Accor' suum p̄dicta' Et p̄dicta' R. licet solempniter exact' non revent' sed in contempnum Cur' recessit Et defalt' f̄t

fecit Ideo considerat est quod predicti W. J. Et C.  
recuperent seisinam suam versus p[re]s[ent]at[ur] R. J. Et  
J. de manerio tenementis Et reddit[ur] p[re]s[ent]at[ur] cum p[er]  
tinen[ti]a Et quod idem R. J. Et J. habeant de  
terra p[re]s[ent]at[ur] L. ad valent[em] p[re]s[ent]at[ur] t[er]cie partis sup[er]  
ius versus eum petit[ur], &c. Et quod idem L. ulte  
rius habeat de terra p[re]s[ent]at[ur] R. ad valent[em] inde, &c.  
Et quod idem R. J. Et J. habeant de terra p[re]s[ent]at[ur]  
A. ad valent[em] p[re]s[ent]at[ur] medietatem sup[er]ius s[er]vus eum  
petit[ur], &c. Et quod idem A. ulterius habeat de  
terra p[re]s[ent]at[ur] R. ad valent[em] inde, &c. Et etiam quod  
idem R. J. Et J. habeant de terra p[re]s[ent]at[ur] C. ad valent[em]  
p[re]s[ent]at[ur] residui superius versus eum petit[ur], &c. Et  
quod idem C. ulterius habeat de terra p[re]s[ent]at[ur] R.  
ad valentiam inde, &c. Et idem R. in m[er]ito, &c.  
Pasch. 23 H. 8. Rot. 426.

Simile Hill. 5 H. 8. Rot. 519.

Et quoad t[er]ciam partem tenementorum p[re]s[ent]at[ur]  
integrorum cum p[er]tinen[ti]a idem L. voc[atur] inde ad war  
R. qui p[re]s[ent]at[ur] est, &c. Et gratis, &c. Et quoad  
medietat[em] ulterius t[er]cie partis p[re]s[ent]at[ur] tenemento  
rum integrorum cum p[er]tinen[ti]a idem L. voc[atur] inde  
W. qui p[re]s[ent]at[ur], &c. Et gratis, &c. Et super hoc  
p[re]s[ent]at[ur] D. petit versus p[re]s[ent]at[ur] R. p[re]s[ent]at[ur] t[er]ciam par  
tem cum p[er]tinen[ti]a unde idem R. superius voca  
tur ad war, &c. versus p[re]s[ent]at[ur] W. p[re]s[ent]at[ur] medietate  
p[re]s[ent]at[ur] t[er]cie partis cum p[er]tinen[ti]a unde idem W. su  
perius vocatur ad war, &c. Et versus, &c. Et  
unde dic[itur] quod ipsimet suet fecit de tenementis  
p[re]s[ent]at[ur] integris cum p[er]tinen[ti]a in vobis suo, &c.

Mich.



Mich. 41 & 43 Eliz. Rotulo 12. Quoad unam  
medietatē, &c.

Et p̄dict R. per J. C. Attorn' suum venit Et  
defend' sus suum quando, &c. Et quoad unam  
medietatē manerii tenementorum libere piscat' Et  
communie pasture p̄dict cum p̄tinen' voc' inde ad  
war' E. B. qui p̄sens est hic in Cur' in p̄pria p̄-  
sona sua Et gratis eandem medietatem cum p̄-  
tinen' eidem R. warant', &c. Et quoad alteram  
medietatem resis manerii tenementorum libere  
piscat' Et communie pasture p̄dict cum p̄tinen'  
idem R. voc' inde ad war' T. B. qui similiter p̄-  
sens est hic in Cur' in p̄pria p̄sona sua Et gratis  
eandem medietatem cum p̄tinen' ei war', &c. Et  
sup hoc p̄dict R. & T. petunt versus ipsum E. te-  
nen' p̄ war' suam medietatem p̄dict cum p̄tinen'  
unde idem E. superius vocatur ad war', &c. Et  
sup hoc p̄dict R. & T. pet' versus ipsum T. B. te-  
nen' p̄ war' suam medietatem p̄dict cum p̄tinen'  
unde idem T. superius vocatur ad war' in forma  
p̄dict, &c. Et unde dic' quod ipsimet fuer' seiscit'  
de manerio tenementis libera piscat' Et commu-  
nia pastur' p̄dict integris cum p̄tinen' in domini-  
co suo ut de feodo & jure tempore pacis tempore  
Domine Regine nunc capiendo inde exple's ad va-  
lenciam, &c. Et in que, ac. Et inde p̄duc' sect,  
&c. Et p̄dict E. & T. B. sepatim tenen' p̄ war'  
suam sepatim defend' sus suum quando, &c. Et id  
E. quoad p̄dict medietatem cum p̄tinen' sape-  
rius versus eum peti't ulterius voc' inde ad war'  
T. B. filium ipsius E. qui p̄sens est hic in Cur'  
in

in propria persona sua & gratis eandem medietatem cum pertinenti ei war, &c. Et super hoc predicti R. & T. R. pet. versus ipsum C. B. tenent per war suam medietatem predictam cum pertinentiis unde ipse superius vocatur ad war in forma predicta, &c. Et unde dic quod ipsimet fuer. seist. de medietate illa cum pertinentiis simulcum altera medietate maneris. &c. cum pertinentiis in dominico suo, &c. & inde predicti sedam, &c. & predicti C. B. tenent per war suam defend. ius suum quando, &c. Et quoad predictam medietatem cum pertinentiis superius versus eum petiit ulterius voc. inde ad war R. V. qui p. lens est hic in Cur. in propria persona sua, &c. Et gratis eandem medietatem cum pertinentiis ei war, &c. Et predicti T. R. quoad predictam medietatem, &c. Resto cum pertinentiis superius versus eum petiit ulterius voc. inde ad war p. f. R. V. qui p. lens, &c. Et gratis medietatem predictam resto cum pertinentiis ei war, &c. Et super hoc predicti R. & T. R. pet. versus ipsum R. V. tenent per war suam manerium, &c. Integra cum pertinentiis in forma predicta, unde dic quod ipse fuit seist. de, &c. integris cum pertinentiis in dominico suo ut de feodo & iure, &c. [Et quod predicti V. &c. non disseisibit p. f. petent de manerio, &c. integris cum pertinentiis put, &c. Et predicti petent per licentiam, &c.] Ideo considerat est quod predicti petentes recuperent seistnam suam & ius platum tenent de manerio, &c. integris cum pertinentiis, &c. Et quod idem R. habet de terra p. C. ad valenciam medietat. predictam superius versus eum petiit, &c. Et quod idem C. ulterius habeat de terra predicta C. B. ad valenciam, &c. Et quod idem T. B. ulterius habeat

X

de

de terra p̄dicta R. P. ad valenciam inde, &c. Et  
 similiter quod idem tenent habeant de terra p̄dicta R.  
 P. ad valenciam medietate superius dictus cum  
 petiti, &c. Et quod idem R. P. ulterius habeat  
 de terra p̄dicta R. P. ad valenciam inde, &c. Et ibi  
 R. P. in mia, &c.

Pasch. 40 Eliz. Rotulo 75. Certificatio war'  
 Attorn' per Executor' Justic' per Breve de  
 Certiorar'.

Memozandum quod G. S. Arnd unus Execu-  
 torum Testamenti J. B. nuper unius Justic'  
 Domine Regine de Banco hic tertio die Maii isto  
 eodem Termino Virtute brevis ejusdem Domine  
 Regine sibi directi quod sequit' in hec verba Eliz.  
 &c. (recitand tot breve) mis' hic p̄dict' war' At-  
 torn' unde in eodem brevi sit mentio que sequit' in  
 hec verba Eliz, &c. Trin' 23 Car' Rot 24.

Autiel.

Aliter per  
 Exec' Justic'.

II. Memozand' quod L. J. Gen' & G. H. Gen'  
 Executor' Testamenti J. W. nuper unius Justic'  
 Domine Regine de Banco hic vicesimo primo die  
 Novembris isto eodem Termino deliberaver' hic  
 in Cur' brevia annex' quorum tenor' sequitur in  
 hec verba Eliz, &c.

Pasch. 3 & 4 Ph. & M. Rot. 623.

Aliter per  
 Exec' servien'  
 ad Legem.

II. Memozandum quod B. C. Pls Executoris  
 testis R. C. un' servien' Domini Regis & Domi-  
 ne Regine ad legem que sola administrabit bona  
 & Catalla p̄dicti R. (tali die) isto eodem Ter-  
 mino

mino b'reute h'rebis dicit Dñi Regis Dñe Regine  
Arbitrio in Christa Patri & pollens Consiliar'  
reundem Dñi Regis & Dñe Regine R. Elicd  
Episcopo & Plat B. C. p nomina, &c. Erre testi  
R. C. &c. huss sequit in her verba Philippus &  
Maria, &c. (reer totum brebe) m's hic war p  
dict quod quid war in Curob W. C. p'il Cle  
rici victoriam Dñi Regis & Dñe Regine de Ban  
co hic affilicet iupis tenoz sequit in her verba  
Cognitib, R. p'p'ipe, &c.

Trin. 3 Eliz. Rot. 475.

In Cod recuperat tenens voc su War & le  
Mouchee p'et quid habet a l'op'iter a garrant  
& teneid p'lat finem leval p le moult & up' s c  
warrant.

Nota.

Et p'dict le mouche die quod ipse non potest de  
diez quin ad p'dict leuasset int, &c. de maner  
Tenementis & reddit p'dict cum p'ineid nec quin  
ipse eadem Maneria, &c. p'lat teneid & heres su  
is contra ipsum le Mouchee & heres suos waranti  
zare debeat & eadem Maneria. &c. eidem teneid  
war & sup hoc, &c.

Trin. 3 Eliz. Rot. 140.

In ingrid in le Post teneid voc R. W. qui  
comperuit & p'et quod p'dict teneid ostens quid  
specialitatis heat p quod war debeat Et ostens  
Cartam cum war, &c.

Nota.

Ordinat fuit per Cur quod war Attoyn tam p  
Teneid quam p Mouchee incurretur de Terminis  
Sancti Pillar Anno secundo Eliz. Regine int  
Stevens & Wastlad & Water-house p Centis in  
Cord Essex. Trin 29 Eliz.

X 2

Waters



## Recoveries.

Waters are not demandable by that Name by a *Præcipe*, but the Land whereupon the Water standeth or floweth, as bigint acras terre aqua coperre. Co. Lit. fo. 4. a.

Gurges, a deep Pit of Water; a Gors, or Gulf, consisteth of Water and Land, and therefore by the Grant thereof by that Name, the Soil doth pass, and a *Præcipe* doth lie thereof, and shall lay his Esplees in taking of Fishes, as Bream, Roches, &c. *ib. fol. 5, 6.* Stadium, Ferlingus, or quarentena terre, is a Furlong of Land, and will pass by that Name; and some hold that by that Name it may be demanded. *Ibid.*

Many Things may pass by a Name, that by the same Name cannot be demanded by a *Præcipe*, (for that doth require more prescript Form) but whatsoever may be demanded by a *Præcipe*, may pass by the same Name by Way of Grant. *Ibid.*

Trin. 37 Eliz. Rot 278.

Nora.

Morgan Owen, Terr' suit done al Faron & Feme & al' heirs vel Corps le baro' engender perent euz: le bar' solemnt suffer' un' Conion Recovery. Agree p' toutes les Justices que t' Recovery fut void a bar' l'estate Tail: le reason fut p' teo que le recompence ne ala al feme, car si le baron ad fait feoffment in Fee & reprist estate & puis suffer' un' recovery come il p'ussot, la le Recovery ad e' del autre estate.

Nora.

If the first Tenant in Tail doth not discontinue, then a single Voucher serves; but if there be a Discontinuance as thus, (the first Tenant in Tail makes a Feoffment, and then takes back

an

an Estate-Tail) then it must be a double Voucher.

*T. Waller.*

Pasch. 20 Car. Regis 2 Rot. 2.

Wyrley.

Bedf. H. **P**etite R. D. Jan. Gen. quod  
fuisse, &c. repbat R. G. Gen.  
Gen. Paner de Wodington cum pertinenti ac vi-  
gint & quinque Denarij terra tota annu molen-  
dingum pentecostum duo Columbar vigint & quin-  
que Cardena vringent & quinquagint ac Terre  
quadrageint & quinque acr. Prati centum acras  
Pasture sexagint & quinque acr. Bosci quingent  
Ac ramporum & Buere sex librat reddit Cold  
Pastur pro omnibus adertis libam Piscariam li-  
bam Warennam vis Franc Pleg Bonis & Ca-  
talla wariat & erratur Bonis & Catalla Felon  
fugitivorum Melagat attinct Felon de se deo-  
dand Thesaur invent & omnes Jurisdictiones  
franches & libertat cum pertineid in P. H. L.  
alias L. S. & M. Pernon Rectoriam de P. cum  
pertineid aceriam omnes & omnimod decimas Ob-  
lationes Portiones Pensiones annuatim probe-  
nien cresced seu renovand in P. ac Advocatoid  
Wicarie Ecclesie de P. que clard, &c.

Et unde dic quod ipsimet fuit leisit de Panerio  
Tenementis reddit Communia libera Piscaria li-  
bera Warennam vis Franc Pleg Bonis & Catal-  
lis wariat & erratur Bonis & Catallis Felonum  
fugitivorum Melagato' attinct Felon de se de-  
odand Thesaur invent & omnibus Jurisdiction  
franches libertat Rectoria decimis Oblationibus  
portionibus & Pensionibus Polct cum pertineid  
in dominico suo ut de feodo & jure ac de Advoca-  
tione

cartone predicti ut de feodo & iure tempore pacis,  
 &c.

Et gratis Maneria Tenementa reddit Communiam liberam Piscariam liberam Marennam Vis Franc Pleg Fona & Catalla Mabit & ertrahur Bona & Catalla Felon Fugitivorum Mlagatozum attinct Felon de se Deodand Mhesaur invent & omnes Jurisdictiones Franches Liberrates Rectoria Decimas Oblationes Portiones & Pensiones predictas cum pertinentiis ac Advocacionem predicti et war, &c.

Nota semper dicere. Quod Demandans fuit scilicet de omnibus parcellis quibuscunque in dominio suo ut de feodo & iure nisi sit de Advocacione & tunc omnes verba (in dominio suo) ut supra & pnd hoc signum.

Et unde dic quod ipsemet fuit scilicet de Maneria Tenementis & reddit predicti cum pertinentiis in dominio suo ut de feodo & iure tempore, &c.

Et gratis Maneria Tenementa & reddit predicti cum pertinentiis ac Advocacionem predicti, &c.

London. ff. **P**recipe C. B. Sed quas iuste. Et reddas B. B. Sed resideret mesuagia cum pertinentiis in Paroch Sancti Andree Holborn que claud, &c.

### De 13 Mesuag.

Et unde dic quod ipsemet fuit scilicet de Mesuagiis predicti cum pertinentiis in dominio suo ut de feodo, &c.

**De quatuor Acris Prati.**

Et unde dic quod ipsemet fuit seissit de quatuor Acris predictis cum pertinentiis in domino, &c. & in quas, &c. Et inde pduc sextam, &c.

**De duabus Communiis.**

**W.** Prescripe R. B. i. C. D. sex Mesuagia, &c. Communitatem pasturam p omnibus averiis, & Communitatem Turbarie cum pertinentiis, &c. Et unde dic quod seissit fuit de Tenementis & Communiis predictis in domino suo, &c.

**Note.** The most proper Way to find out a Recovery formerly passed, is to search with the Clerk of the Warrants, who useth to take Notes out of all the Plea-Rolls of all the Prothonotaries Offices, and enters them distinctly and fairly into a Register-Book, every Office by it self, and also the Number of the Roll.

**X 4**

**The**



*The Form of a Surrender or Lease to make  
a Tenant to the Precipe for a Common  
Recovery.*

**T**HIS Indenture made, &c. Between  
A. B. of, &c. of the one Part, and C.  
D. of, &c. of the other Part; That whereas the said A. B. doth hold for the  
Term of his Life, one Messuage, &c. in  
in the County of E. the immediate Reversion  
or Remainder whereof doth belong to the said  
C. D. and his Heirs, or to the Heirs of his Bo-  
dy lawfully begotten, for ever. Now the said  
A. B. for the Perfecting of some Assurance,  
shortly to be made of the same Messuage, &c.  
by Way of Common Recovery, hath granted  
and surrendered, and by these Presents doth  
grant and surrender unto the said C. D. and  
his Heirs, upon the Condition herein after  
mentioned, all that the said Messuage, &c.  
and all the Estate, Right, Title and Interest  
of the said A. B. therein. To Have and to  
Hold to the said C. D. and his Heirs, upon  
Condition, That if the said C. D. do not pay,  
or cause to be paid to the said A. B. the Sum  
of one Thousand Pounds of lawful *English*  
Money, upon the first Day of, &c. next ensuing  
after the Date hereof, that then and from  
thenceforth this present Grant and Surrender  
shall be utterly void and of none Effect: And  
that then also it shall and may be lawful to and  
for the said A. B. into the Messuage, &c. to  
re-enter, and the same to have again, repossess  
and enjoy as in his former Estate and Right,  
any

any Thing in these Presents to the contrary in any wise notwithstanding. In Witnels, &c.

A Lease and Release, to make one Tenant to the *Præcipe* in a Recovery, and lead the Use thereof.

*A Lease for a Year (by Way of Bargain and Sale, according to the Statute.)*

**T**HIS Indenture made, &c. Between *T. H.* of, &c. of the one Part, and *J. B.* of, &c. of the other Part, witnesseth, that the said *T. H.* for and in Consideration of the Sum of five Shillings, of lawful Money of *England*, to him in Hand paid by the said *J. B.* at or before the Ensealing and Delivery of these Presents, the Receipt whereof is hereby acknowledged, hath bargained and sold, and by these Presents doth bargain and sell unto the said *J. B.* all, &c. To Have and to Hold the said, &c. Tenements, Hereditaments and Premises, with the Appurtenances, hereby bargained and sold, or mention'd or intended, to be hereby bargained and sold, unto the said *J. B.* his Executors, Administrators and Assigns, from the Day next before the Day of the Date of these Presents, for, during, and unto the full End and Term of one whole Year from thence next ensuing, and fully to be compleat and ended: To the Intent and Purpose that the said *J. B.* may be the better enabled to receive and take a Grant or Release of the Premises hereby bargain'd and sold, or mention'd or intend'd to be hereby bargain'd and sold to him and his Assigns, for and during the natural Life of the said *T. H.* in such Sort, Manner and Form, as in and by one Indenture intended to bear Date the Day next after the  
Day

Day of the Date of these Presents, the same shall be granted, released and conveyed. In Witness, &c.

*The Release.*

**T**his Indenture Tripartite made, &c. between T. H. of the first Part, J. B. of the second Part, and R. H. of, &c. of the third Part Witnesseth, That the said T. H. for and in Consideration of the Sum of five Shillings, of lawfull Money of England, to him in Hand paid by the said J. B. at or before the Ensealing and Delivery of these Presents, the Receipt whereof is hereby acknowledged, hath given, granted, released and confirmed, and by these Presents doth give, grant, release and confirm unto the said J. B. all, &c. late in the Tenure or Occupation of the said T. H. (but now all in the actual Possession of the the said J. B. by Force of an Indenture of Bargain and Sale thereof made, bearing Date the Day before the Date of these Presents, and of the Statute for transferring of Uses into Possession being) **To Have and to Hold**, all and singular the said, &c. and all and every the Premisses with the Appurtenances hereby given, granted, released and confirm'd, or mention'd or intended to be hereby given, granted, released and confirmed, unto the said J. B. and his Assigns, for and during the natural Life of the said T. H. to the Intent and Purpose that the said J. B. shall and may be perfect Tenant of the Freehold of all the said Lands and Premisses, until one or more good and perfect Recovery or Recoveries may be had against him the said J. B. of the same Lands and Premisses. And it is covenanted, granted, concluded



cluded and agreed by and between all the said Parties to these Presents, that it shall and may be lawful to and for the said R. H. before the last Day of Hill. Term next ensuing the Date of these Presents, to prosecute out of the High Court of Chancery one or more Writ or Writs of Entry *sur Disseisin en le post*, against the said J. B. returnable in the Court of Common Pleas at Westminster, whereby the said R. H. shall and may respectively demand against the said J. B. all and singular the afore-mention'd Premises, with the Appurtenances by such Name or Names, Quantity or Quantities, Quality or Qualities, Numbers or Content of Acres, as shall be thought fit and requisite, unto which said Writ or Writs the said J. B. shall appear in proper Person, and shall vouch to Warranty T. H. who shall appear *gratis* upon the Voucher, and shall enter into Warranty, and shall vouch over to Warranty the Common Vouchee, and the Common Vouchee shall appear and imparle, and afterwards make Default, whereby one or more Recovery or Recoveries, Judgment or Judgments, may be had and given for the said R. H. for Recovery of the said, &c. Tenements, Hereditaments and Premises aforesaid, against the said J. B. and for the said J. B. to recover over in Value against the said T. H. and for the said T. H. to recover over in Value against the common Vouchee, according to the Manner and Form of common Recoveries in such Cases used. And it is further covenanted, granted, concluded agreed and declar'd by and between all and every the said Parties to these Presents, and the true Intent and Meaning of the Parties to these Presents is, That from and immediately after the said Common Recovery or Recoveries shall be had, prosecuted and suffer'd, as aforesaid, of the said



said Premises, the said Recovery or Recoveries shall be and enure, and shall be construed, esteemed, adjudged, and taken to be and enure, and are hereby declared to have been intended to be and enure, That the said R. H. and all and every other Person and Persons which shall be seized of the Premises, or any Part thereof, by Force or Virtue of the said Common Recovery or Recoveries, shall stand and be seized thereof, and of every Part and Parcel thereof, with their, and every of their Appurtenances, to the only Use and Behoof of the said T. H. his Heirs and Assigns, and to no other Use, Intent or Purpose whatsoever. *In Witness, &c.*

*Concerning the Operation and Effect of Recoveries.*

A Common Recovery is much of the Nature of a Fine, but it is better in regard; it bars Remainders and Reversions. Upon a Recovery an Use may be averred as well as upon a Fine; it is a formal and orderly Assurance of Lands, and it may be avoided, if suffered by Covin to deceive Purchasers, or any usurious Contract, as another fraudulent Conveyance. That it hath great Favour from the Law, many of the Inheritances of the Kingdom depending upon this Assurance, and no Error, except it be a notorious and gross Error in it, will make it voidable; for that it is done by Consent, and doth suppose a Recompence in Value to all Persons that lost the Estate.

That

9 Co. 127.  
3 Co. 80.

1 Co. 22, 62.  
5 Co. 41, 10, 37,  
39. 7 H. 8.  
4 Jenk. Cent. 6.  
ca. 35, 39.  
See Doct and  
Stud. 41, 49, 50.

Style's Rep 450.

## Recoveries.

305

That a Stranger, that hath Right to the Land at the Time of the Recovery suffered, is not barr'd at all by the Recovery, or by his Laches of Non-claim, &c. as in the Case of a Fine. 3 Co. 5.

Stranger not barr'd.

That a Condition, that a Donee in Tail shall not alien, is void; and therefore such a Donee in Tail may, notwithstanding such Condition, by Recovery bar it. 9 Co. 127.

Condition not to alien, barr'd.

That he that is in an Estate in Possession by Title above the Recovery, shall not be bound by the Recovery. 1 Co. 96. a.

Title Paramount.

That a Recovery with single Voucher cannot be a Bar of an Estate-Tail, to which he that suffers the Recovery has only a Right at the Time of the Recovery suffer'd. 3 Cro. 828.

The Recoveeree not seized.

That the Recoverors are not in Seisin of the Land till Execution, albeit the Land be in Lease for Years. Moor 137.

Recoverors not in Seisin till Execution.

That if a Recovery be had against a Tenant in Tail, and Judgment entred, and the Tenant in Tail die before Execution, yet Execution may be sued against the Issue in Tail. 1 Co. *Shelley's Case*. Moor. 137.

Tenant in Tail dies, Execution sued against the Issue in Tail.

That whosoever may suffer a Recovery, he or she may declare the Uses of it, 10 Co. 42.

Uses declared.

The Statute of 7 H. 8. c. 4. shews how Recoverors may distrain for Rent, &c.

Distrain for Rent.

*Stat. 21 H. 8. c. 15.* shews how Termor for Years may falsify a feigned Recovery, and that a Recoveror may have the same Remedy for Rent, Waste, &c. as the Recoveeree had, and

Termor for Years may falsify Recovery.

That no Statute Merchant, Staple, or Execution by *Elegit* shall be avoided by such feigned Recovery.

Statute not avoided by Recovery.

That no Heir in Tail (the Reversion and Remainder in the King) shall be barred by Common Recovery. *Stat. 34 & 35 H. 8. c. 20.*

The Reversion in the King.

but

said Premises, the said Recovery or Recoveries shall be and enure, and shall be construed, esteemed, adjudged, and taken to be and enure, and are hereby declared to have been intended to be and enure, That the said R. H. and all and every other Person and Persons which shall be seized of the Premises, or any Part thereof, by Force or Virtue of the said Common Recovery or Recoveries, shall stand and be seized thereof, and of every Part and Parcel thereof, with their, and every of their Appurtenances, to the only Use and Behoof of the said T. H. his Heirs and Assigns, and to no other Use, Intent or Purpose whatsoever. *In Witness, &c.*

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Termor for Years may falsify Recovery.

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Statute not avoided by Recovery.

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The Reversion in the King.

but



Moor 344.

As if Tenant for Life make a Lease for Years, and the Lessee doth make a Feoffment in Fee, and the Feoffee suffereth a Recovery, and voucheth the Tenant for Life, 'tis not good against the Reversioners or Remainders.

Assent upon Record,

Recovery suffered by Spiritual Persons.

Tenants for Life, and he in the Remainder vouch the Common Vouchce. Co. 3, 6.

but this is supposed, where the Land is of the King's Gift, and not of a Subject.

By Stat. 14 Eliz. c. 8. Recoveries had or prosecuted by Agreement (or Coven) against Tenants by the Curtesy, Tenants in Tail after Possibility of Issue extinct, for Term of Life or Lives, or of Estates determinable upon Life or Lives, &c. shall be void, as against the Reversioners, or them in Remainder, and against their Heirs and Successors.

But this Act is not to prejudice any Person that shall by good Title recover any Lands, &c. without Fraud, by Reason of any former Right or Title; also every such Recovery had by Assent and Agreement of the Person in Reversion or Remainder, appearing of Record in any of the Queen's Courts, shall be good against the Party so assenting: But this Assent must appear upon the same Record, either upon a Voucher, Aid Prier, Receipt, or the like, and not by any extrajudicial Entry or Memorandum. Co. Lit. 362.

Recovery by Spiritual Persons, as Bishop, Dean, Parson, Vicar, of their Spiritual Lands, shall not bind their Successors. See Stat. 32 H. 8. c. 28. 13 Eliz. c. 20. 15 Eliz. c. 11. 18 Eliz. c. 10, 20. Co. Lit. 441.

But if Tenant for Life and he in Remainder in Tail suffer a Common Recovery, and both vouch the Common Vouchce; this is held to be no good Recovery to bar the Issue in Tail. 1 Co. Marquess of Winchester's Case. For he in Remainder was not Tenant to the *Præcipe*, being not in Possession.

But

## Recoveries.

307

But if there be Tenant for Life, the Remainder in Tail, the Reversion or Remainder in Fee, and the Tenant for Life is impleaded by Agreement, and he vouch the Tenant in Tail, and he vouch over the Common Vouchee; this will bar the Reversion or Remainder in Fee, altho' he in the Reversion or Remainder did never assent to the Recovery.

Tenant for Life vouches Tenant in Tail, and he vouches over the Common Vouchee.

Bar without Assent.

So if the Tenant for Life surrender to him in the Remainder in Tail, he may suffer a Recovery, and bar the Estate-Tail. *Co. Lit.* 362. See the Form of a Surrender at the End of this Book.

Surrender to Tenant in Tail.

As to Recoveries by Covin take this in general.

That if the Tenant for Life suffer a Common Recovery without the Assent of him in Reversion; this is void by the Statutes 32 H. 8. c. 31. 14 Eliz. c. 8. And will be a Forfeiture of the Estate of Tenant for Life. See 1 *Co. Pelham's Case*.

Recovery by Tenant for Life by Covin.

Forfeiture.

And yet if Tenant in Tail in Possession or Remainder suffer a Common Recovery by Agreement in any Case, (except where the Reversion is in the King) this is good, and may not be falsified as done by the Covin; so where Tenant for Life is the Remainder in Tail or Fee, and the Tenant for Life suffer a Common Recovery, and vouch over him in the first Remainder in Tail, or him in the next Remainder in Fee; this is not fraudulent, but a Bar to the Estate-Tail, &c. 10 *Co.* 43, 49.

And yet if the King give Land in Recompence of any Service done to him or for other Cause, and the Tenant in Tail, whilst the Reversion is in the King, suffer a Common Recovery, this shall be said to be fraudulent and void.

Recovery fraudulent against the King.

void as against the King and his Successors by the Stat. 34 H. 8. c. 20. 10 Co. 84. Plow. 54.

And it is to be known, that upon the Stat. 14 Eliz. of feigned Recoveries, that thereby no Reversion or Remainder expectant upon an Estate Tail is preserved where the Tenant for Life is impleaded, and Tenant in Tail vouch- ed; for where the Tenant in Tail is Party to the Recovery it cannot be by Collusion, be- cause it is in the Power of him to dock the Remainder and Reversion. 10 Co. 45. *Et quia jus & frans nunquam cohabitant.*

Also if Land be conveyed by a Husband, or any of his Ancestors, to the Wife, for her Life, or to her and her Husband, and their Issue in Tail, for the Jointure of the Wife; and after the Husband's Death the Wife alone, or she and an after Husband shall suffer a Common Recovery of the Land; this shall be esteem'd fraudulent, and void by the Stat. 11 H. 7. c. 20. But more of this hereafter.

### Recoveries by Husband and Wife.

**T**HAT a Common Recovery, suffered by a Woman Covert that hath a Hus- band, who doth join with her in the Reco- very, is good, and will bind them, their Heirs, and all others; but if she be an Infant, and appears as Vouchee by her Attorney, this Re- covery will not bind her. 10 C. 43. Plowd. 515. *Bridg. Rep.* 69, 70, 71.

If there be Tenant for Life, Remainder to Husband and Wife and their Heirs, and the Husband and Wife suffer a Recovery, being vouched by the Tenant for Life; this shall bind the Wife. *Style's Rep.* 320.

No Covin-  
where Tenant  
in Tail is Party.

Wife suffers a  
Recovery of  
the Lands sec-  
tled to her in  
Jointure is  
fraudulent.

Husband and  
Wife join.

Wife an Infant.

Remainder to  
Husband and  
Wife.



If the Husband and Wife be joint Tenants of an Estate in Fee-Simple or Fee-Tail of Land before Coverture, and the Husband alone suffer a Recovery of it; this is good for a Moiety.

Husband and Wife joint Tenants before Coverture. Recovery by Husband alone.

And if Husband and Wife be joint Tenants after the Coverture, and then they suffer a Recovery together, this will bind them.

Joint Tenants after Coverture Recovery by both.

Also if Husband and Wife be joint Tenants for Life of Land, the Remainder to the Heirs of the Husband, and they suffer a Recovery of it; this is no Bar to the Issue for any Part of the Land. *Moor* 350. See after.

Husband and Wife joint Tenants, Remainder to the Husband's Heirs.

Where Lands are given to a Man and his Wife, and the Heirs of the Body of the Wife, or to the Wife, and the Heirs of her Body, and the Writ of Entry is brought against the Husband and Wife, and they vouch the Common Vouchee; these are good Recoveries, and will bar the Estate of the Husband and Wife, and of them in Remainder and Reversion expectant thereupon. *Lit. Bro.* 37, 81.

Lands given to Husband and Wife, and the Heirs of the Body of the Wife.

Where a Man hath Land in which his Wife has a Jointure, or to which she will have Title of Dower after his Death; if in this Case the Writ of Entry be brought against them both, and they vouch the Common Vouchee, and so a Recovery is had, this Recovery will bar them both; but not if against the Husband alone, without her, of any such Estate by a Recovery, for she may falsify and avoid it after his Death. *Plowd.* 514. 3 Co. 5.

Recovery of Wife's jointure.

How good.

How void.

If Land be given to Husband and Wife, and the Heirs of the Body of the Husband, the Remainder over, and the Husband alone suffer a Common Recovery, this is no Bar to the Remainder. 3 Co. 5.

Lands given to Husband and Wife, and the Heirs of the Body of the Husband, Remainder over.

Y

If



Husband Tenant in Tail, Remainder to the Wife in Tail, Husband suffers a Recovery.

Land to two and the Heirs of one Remainder over, Recovery by one, good for a Moiety.

But betwixt the Husband and Wife there are no Moieties.

3 Co. 5, 6. Recovery suffer'd by Wife, of her Estate in Dower, for Life, or in Tail of the Inheritance or Purchase of the Husband, &c. void.

If the Husband be Tenant in Tail, the Remainder to the Wife in Tail, and he suffer a Recovery of the Land; by this she is barred.

And yet if Lands be given to two others, and the Heirs of the Body of one of them, the Remainder over to a Stranger, and the Writ of Entry is brought against one of them and he vouch the Common Vouchee, and so a Recovery is had; this is a good Recovery, and Bar to all the Estates for one half of the Lands. 3 Co. 5, 6.

But all this notwithstanding, if a Woman that has an Estate in Dower, for Life, or in Tail, jointly with her Husband, or only to her self, or to her Use, in any Lands, &c. of the Inheritance or Purchase of her Husband, or given to the Husband and Wife by the Husband's Ancestors, or any seised to the Use of the Husband or his Ancestors, do, after the Husband's Death, sole, or with another Husband, suffer a Recovery of it, it shall be void; and he to whom the Land ought to belong after the Death of the said Woman, may enter, as if the Woman was dead; and yet if in this Case she doth it with the Consent of the next Heir, or shall join with him, that is a good Recovery; or if the Writ be brought against her, and she vouch the Heir in Tail, and so the Recovery is had. Stat. 11 H. 7. 20. 3 Co. 51, 59, 60.

A Common Recovery suffer'd by one that hath Fee-simple of Land, will bind him that suffers it, his Heirs, and all others.

If a Mortgagee suffer a Recovery, this will not bind the Mortgagor; but if the Mortgagor be a Party to the Recovery, the Recovery will be good. 2 Cro. 592, 593.

Recovery by one that hath Fee-simple.

By a Mortgagee.

If one devise Land to another and his Heirs as long as *J. S.* hath Issue of his Body: In this Case no Recovery will seclude or bar him that made the Gift, of his Possibility to have the Land again, unless he be a Party to the Recovery by Voucher; for a Recovery against a Tenant in Fee-simple shall never bind a collateral Interest, Title or Possibility; as a Condition, Covenant, or the like. *2 Cro. 593.*

If *A.* be Tenant in Tail, the Remainder to *B.* in Tail, Remainder to *C.* in Tail, Remainder to *D.* in Fee. *A.* makes a Feoffment, and the Feoffee suffers a Recovery, and doth vouch *B.* who voucheth over: By this Recovery *A.* is not barred at all, but *B. C.* and *D.* are barred all their Remainders. *3 Co. 6.*

It is said, that if Land be to *E.* for Life, the Remainder to *B.* in Tail, the Remainder to *C.* in Fee: *B.* dieth, (his Wife being young with Child of a Son) and a Recovery is had against *E.* with the Assent of *C.* and afterwards a Son is born: In this Case, the Son shall not be holpen by the Statute *32 H. 8.* for that the Remainder was not *in esse* at the Time of the Recovery. *2 Leon. 224. Case 285. Quare de hoc.*

So if a Feoffment be to the Use of himself for Life, and after of his eldest Son in Tail, and after of his Heirs (not having any Son at the Time of the Feoffment made) after he suffers a Common Recovery, and hath Issue a Son who dieth in the Life of his Father, having Issue a Son, and after he dieth: In this Case, the Son and Heir of the Son may not avoid this Recovery by *32 H. 8.* *2 Leon. 224.* but may avoid it by Common Law. *2 Leon. 224.*

How to bar him that hath a Possibility of a Reverter upon a Demise conditional, collateral Interest.

Three Tenants in Tail, Remainder in Fee, First Tenant makes a Feoffment, Feoffee suffers a Recovery, and voucheth the 2d Tenant in Tail.

By Tenant in Possession.

Feoffment to Father for Life, Remainder to the eldest Son in Tail, and his Heirs; and Recovery is suffered by the Father before the eldest Son is born, who after is born and hath a Son.

It is a Rule, that where the Estate-Tail in Possession is not barred by a Recovery, there the Estate in Reversion or Remainder is not barred: *Quod non in magis propinquo, non in magis remoto valebit*; and so it is *et converso*, where the Estate-Tail in Possession is barred by the Recovery, all the Remainders and Recoveries, Conditions, Charges, Incumbrances and Estates depending upon it are barred also, except in some Special Cases where the Reversion or Remainder is in the King. And therefore, if *A.* be Tenant in Tail, the Remainder to *B.* in Tail, the Remainder to *C.* in Fee, and *B.* or *C.* doth make a Lease for Years of the Land, or grant a Rent-Charge out of the Land, or enter into a Statute, or the like, or grant the Remainder or Reversion upon Condition, and after *A.* doth suffer a Common Recovery of the Land, and then dieth without Issue, in this Case the Recoveror will hold the Land discharged of all these Estates, Remainders and Charges. 1 Co. 62. *Jenk. Cent. 6. cap. 6 Co. 43. Moor 298.*

Two Tenants in Tail, Remainder in Fee the 2d Tenant in Tail, or he in Fee, makes a Lease or grants a Rent-charge; the first Tenant suffers a Recovery, the Lease or Rent is discharged. See after.

Tenant in Tail, Remainder over, Tenant in Tail suffers a Recovery, and vouches the Common Vouchee.

Rent discharged. See before.

Recovery of a Reversion, Lease for Years saved.

But if a Common Recovery be had against Tenant in Tail, where there is a Remainder over to another, and he vouch over the Common Vouchee; in this Case, and by this he is barred, and his Issue, if he had any, and he in the Remainder is barred, and so is he in Reversion also, altho' it has been held otherwise.

1 Co. 63. *Benl. 11.*

If he in Remainder grant a Rent, and after the Tenant in Tail suffer a Recovery, and die without Issue, the Remainder is discharged of the Rent. *Moor 298.*

And if there be a Lease for Years, and a Recovery suffer'd of a Reversion, this will not hurt the Lease for Years, but he may falsify it by *Stat. 11 H. 8. 15.*



But a Recovery suffer'd by Tenant in Tail after he hath made a Lease of the Land, or enter'd into a Statute, will make the Lease or Charge that before was voidable, good against the Issue in Tail, and him in Remainder or Reversion; and the Recoveror also shall hold it charged, and subject to the Lease made by Tenant in Tail. 1 Co. 25. 44 Ed. 3. 22.

If he in Reversion upon an Estate-Tail grant a Rent-Charge, and Tenant in Tail discontinues, this Charge is of no Effect until the Re-continuance of the Estate-Tail by him in Reversion, tho' Tenant in Tail die without Issue. Jenk. Cent. 6. cap. 41.

But where a Recovery is by Collusion against Tenant in Tail, and the Tenant dies without Issue; such a Grantee may falsify this Recovery as a Stranger; but otherwise it is of Parties and Privies to it.

And in all Cases afore-mention'd of a Recovery that is void, it must be understood to be void, as to the Issues, Heirs, &c. of him that suffers the Recovery, and as to them that are in Reversion and Remainder of their Estate, and not as to the Parties to the Recovery; for as to them, the same doth for the most Part conclude them by Way of Estoppel. 3 Co. 5.

Tenant in Tail may not avoid his own Lease, or Rent granted by him out of the Land, but the Recovery shall enure to perfect the Grant and Lease.

Reversioner grants a Rent-Charge, and Tenant in Tail discontinues, and dies without Issue.

Recovery by Collusion against Tenant in Tail, who dies without Issue.

General Rule.

Estoppel.

Y 3

How



*How a Recovery may be avoided, or falsified.*

Recovery avoided.

**I**T may be defeated, frustrated and avoided in Part, or in all, for many Causes and Ways; and this is called falsifying of a Recovery.

By Error.

Sometimes it is by Writ of Error, when there is some gross or substantial Error in the Manner of the Proceeding.

Not for incongruous *Latin*, or want of Form.

But not for incongruous *Latin*, Rasure, Interlining, Misentring of any Warrant of Attorney, misreturning or not returning of the Sheriff, or other want of Form in Words, and not in Matter of Substance. 23 *Elix. cap. 3.* 21 *H. 8. cap. 15.* *Co. Lit.* 46, 104. *Plowd.* 515. *Dyer* 242. 3 *Co.* 78. 5 *Co.* 40.

Avoided by pleading that it was by Covin.

And sometimes it may be avoided by pleading and setting forth of the Special Matter, as where the Recovery is by Covin against Tenant for Life.

That he was not Tenant to the Freehold.

Or for that he, against whom the Writ is brought, is no Tenant to the Freehold by Right or by Wrong, at the Time of the Writ of Entry brought; as where a Writ is brought against a Stranger that hath nothing in the Land, and he doth vouch the Tenant in Tail in Possession of the Land.

By Infant, and how.

An Infant that suffers a Recovery, may not avoid it by Entry, but must avoid it by Writ of Error. *Style Rep.* 246.

Neither Party, nor Privy,

Or a Recovery may be avoided, for that he that hath the Estate and Right, is neither Party nor Privy to the Recovery; as where it is brought against a Disseisor, and he vouches one that hath nothing in the Land.

Or

Or where the Recovery is had against the Husband alone, of the Land whereunto his Wife hath Title of Dower.

Recovery against Husband alone.

Also the Issue in Tail against a Common Recovery had by the Ancestor, may say, that he was not Tenant to the *Præcipe*, nor seised of an Estate Tail *tempore brevis*; and this is a good Bar. 3 Co. 11.

Not Tenant to the *Præcipe*.

As where he in Remainder in Tail discontinues the Estate-Tail, and takes a new Estate, and then suffers a Common Recovery; by this the Estate-Tail is not barred, for he was not seised of it, as is before observed.

Not seised.

So if Tenant for Life, and he in Remainder in Tail, suffers a Common Recovery; by this the Estate-Tail is not barred for he was not seised of it, as is before observed.

Note, This is to be intended of a Recovery with single Voucher.

So if Tenant for Life, and he in Remainder in Tail, suffer a Common Recovery, and both vouch over the Common Vouchee, as is before observed.

Tenant for Life, and he in Remainder, both vouch Common Vouchee.

So if *A.* be Tenant in Tail, Remainder to *B.* in Tail, Remainder to *C.* in Tail, Remainder to *D.* in Fee. *A.* makes a Feoffment, the Feoffee doth suffer a Recovery, and vouch *B.* who voucheth over; *A.* is not barred, but *B. C.* and *D.* are barred, and all their Remainders. 1 Co. 3. as is before observed.

Three Tenants in Tail, Remainder in Fee. First Tenant discontinues, the Discontinuee makes a Feoffment and vouches 2d Tenant in Tail. Recovery avoided by Tenant by *Elegit*, &c.

A Recovery in some Cases may be avoided by others; as,

Where a Recovery is had of the Land, whereof I have an Estate for Years, by Statute, *Elegit*, or the like, at the Time of the Recovery had.

And where a Recovery may be avoided for any of the afore-mention'd Causes, it must be by one whom it doth concern, and that otherwise should have had the Land, and not by any other whom it doth not concern.

General Rule, who may avoid the Recovery.

Issue of Tenant  
in Tail.

As if an erroneous Recovery be suffer'd by Tenant in Tail; in this Case his Issue, or if they fail, the next in Remainder or Reversion, shall defeat it.

By Tenant in  
Tail.

So also if the Land be recover'd against a Tenant in Tail, the Disseisee shall avoid it.

By Disseisee.

And if the Land be recover'd against a Disseisor, the Disseisee shall avoid it;

Tenant by Sta-  
tute, &c.

And the Land recover'd against him in Reversion or Remainder; the Tenant by *Statute*, *Elegit*, or for Years, shall avoid it.

But in these Cases they must avoid it during their particular Estates, and may not do it afterwards.

By the Wife.

The Wife may falsify a Recovery suffer'd by her Husband alone, as to her Title of Dower only, and no longer, or farther.

By him in the  
Remainder.

So he in Reversion or Remainder may falsify and avoid a Recovery suffered by the Tenant for Life, either in the Life-time of the Tenant, or afterwards, to which he was not privy.

No Advantage  
to be taken by  
a Stranger.

But a Stranger shall never take Advantage of a Recovery, altho' it be erroneous. *Jenk. Cent.* 8. Case 32.

Rule.

But neither he in Reversion or Remainder, or any by or under him, or any other, may falsify a Recovery suffer'd by Tenant in Tail in Possession, except it be for the Causes before set down.

Not by the  
Recoveror or  
Tenant of a  
Manor.

The Recoveror himself may not falsify a Recovery, nor a Guardian, or a Tenant of a Manor; as if one hold a Manor, and a Stranger recover the Manor by a feigned Title, a Tenant of the Manor may not falsify it.

Termor for  
Years may a-  
void.

But a Termor for Years may falsify a feigned Recovery had against him in Reversion, and shall retain and enjoy his Term against the Recoveror,



coveror, his Heirs and Assigns, according to his Lease, by the Statute of 21 H. 8, 15.

No Statute Staple, Merchant, or Execution by *Elegit*, may be avoided by a feigned Recovery, but such Tenants shall have like Remedy to falsify such Recovery as the Lessee for Years may have. 21 H. 8. cap. 15. Co. Inst. 2. 321, 322. 1 Cro. 284.

No Statute, &c. barred by Recovery.

Sometimes it may be avoided by Entry, as well as by Writ of Error and Pleading.

Recovery avoided by Entry. By a Vacat.

Sometimes it hath been made void by the Sentence of a Court called a *Vacat*, when the Recovery hath been by Covin; as where Tenant for Life shall suffer a Recovery to disinherit him in the Reversion, or by some undue Practice, or sinister Dealing.

And this hath been done only upon the Discovery of the Matter of Practice to the Court, upon which only the Court doth make void the Judgment. Plowd. 515. 1 Co. 62, 63, 64. Dyer 249.

A Termor for Years, by Deed, or without Deed, may falsify a feigned Recovery had against him in Reversion, and shall retain and enjoy his Term against the Recoveror, his Heirs and Assigns, according to the Lease; and the Recoveror shall have like Remedy against the Termor, his Executors or Assigns, or Action of Debt for Rents and Services reserved upon such Lease, and due after such Recovery, as the Lessor might have had, if such Recovery had never been.

Termor for Years, how he may avoid, &c.

Also Tenants by Statute-Staple, Statute-Merchant, or upon Execution by *Elegit*, may also falsify such Recoveries as the Lessee for Years may do; Statute 21 H. 8. cap. 15. Co. Inst. 2 Part, 332, 323. See the Statutes.

Note,



*Note*, that most Errors in a Common Recovery are amendable by the Court the first Term after the Recovery is had; but for all this, see *Dyer* 1, 105, 188. 6 Co. 7. 8 Co. 162. 2 Bulst. 14. Golds. 181. Bridgman 71. Owen 68.

Where, by whom, and how a Recovery may be falsified. See *Hugh's Nomotomia*, Page 459, 460.

And for Avoidance of a Common Recovery, see more in 2 Part Co. Inst. 320, 322, 323. cap. 2. sect. 17, 18.

Rules for directing the Uses of a Recovery.

*Note* also, that the same Rules, (for the most Part) are to be observed and followed for the guiding and directing of the Uses of a Recovery, as are observed for the Guidance and Direction of the Uses of a Fine, viz. That an Use may be averred upon it, &c.

See more of Common Recoveries in *Moor's Rep.* 95, 727. *Bro. sect.* 143. *Hob. Rep.* 338. *Godb. Rep.* 417.

Of Recoveries suffered by Infants, where good or not, and how and when to be avoided.

**I**F an Infant Tenant appear *per Guardianum*, either as Defendant or Vouchee, he shall be bound as well as one of full Age; and if the Guardian feint pleads or mispleads, the Infant hath a good Action against him. Wherean Infant comes in Person as Vouchee, Error lies not after full Age, because it must be tried by Inspection, which cannot be after full Age. If he appears by Attorney, and suffer a Common Recovery, then it shall be reversed by Error, *aliter per Guardian*. *Sid. 321. Raby and Robinson, 2 Keb. 141. Mod. 48. Hesket and Lee, Style 246.* So is Earl of Newport and Sir H. Midway's Case. Recovery against an Infant, who appears *per Guardian*, and voucheth over, is not erroneous. My Lord Hobart, p. 196. certifies, that the King by Letter under his Privy Signet and Sign Manual, signified to him and his Fellow Justices of the Court of Common Pleas, that he was petitioned by *Mountjoy Blunt*, under the Age of 21 Years, and by his Friends and Kindred and Feoffees, into whose Custody the late Earl of Devonshire did commit his Estate in Trust, that he might be admitted to suffer a Recovery of his Manor of *W.* for Payment of Debts, &c. Saith Lord Hobart, tho' we did never hold such Recovery very unlawful, or void in Law, yet we have refused many Motions of that Kind, as holding it very inconvenient; but Convenience is discern'd by Circumstances: Whereupon saith Lord Hobart, I sent for the young Gentleman,

In what Cases Infants shall be bound by a Recovery.

man, and secretly examin'd him, and he being 18 Years of Age, satisfy'd me that he did conceive it necessary for his Estate, and I called the Earl of *Southampton*, Lord *Davers*, and Mr. *Wakeman*, the Persons to whom his Estate was committed in Trust, they all confessed it was necessary, and the Recovery was passed openly at the Bar against *Montague Blunt* in Person, and the Earl of *Southampton*, Lord *Davers* and Mr. *Wakeman* were admitted his Guardians.

Baron and Feme are Tenants, and vouch the Common Vouchee; the Feme was an Infant, and appear'd in Person, and not by Guardian, therefore it was reversed. *Cro. Eliz.* p. 321. *Hopton* and his Wife against St. *Johns*.

There was a Case in the Time of Queen *Elizabeth*, mention'd in 1 *Leon.* N<sup>o</sup>. 29. *b.* A. Tenant in Tail, the Remainder to B. in Fee: A. sold the Land to J. S. and his Heirs, and for Assurance made a Feoffment in Fee, and levy'd a Fine to J. S. to the Use of J. S. and his Heirs, by the Indenture of Bargain and Sale, A. covenanted to make such farther Assurance within two Years, as the said J. S. or his Heirs, or their Counsel should advise; before any Assurance made, J. S. died, his Son and Heir within Age; it was devised, that for such farther Assurance, and cutting of the Remainder, a Common Recovery should be suffer'd, in which the said Infant should be Tenant to the *Præcipe*, and should vouch the Vendor; and that the said Recovery should be to the said Infant and his Heirs. Two Precedents were shewn in such Case; one was the Case of the Earl of *Shrewsbury*, and the other one *Wiseman's* Case. After some Doubt, upon the Appearance of a good and sufficient Guardian for the Infant, the Recovery passed.

Of

Of Tenant to the *Præcipe*, when and by what Conveyance good, or not, and who is a good Tenant to the *Præcipe*.

**A** Lessee for Life, Remainder to *B.* in Tail, and a *Præcipe* is brought against *B.* if *B.* happens to have a Surrender of the Lessee for Life, at any Time before the Recovery, 'tis a good Recovery, and the *Præcipe* is made good. *Noy. p. 126.*

Surrender of the Lessee for Life.

If a Tenant to the *Præcipe* is made by Lease and Release, it is good, tho' there were no Consideration. *1 Mod. Rep. 262. Baker and Keat. Q.*

The Conusee of a Fine *Ostab. Pur.* is a good Tenant to the *Præcipe* of a Recovery the same Day; and the Court will suppose a Privity the same Day, to support a Conveyance. *Hill. 22. Car. 2 B. R. Fettiplace's Case.*

Bargain and Sale, and Fine to Lessee for Years or in Reversion, to make them Tenants to a *Præcipe*, destroys not the Reversion for Years *2 Rol. Rep. 249.* and so is *Fountain and Cook's Case. 1 Mod. 107.* If Lessee for Years be made Tenant to the *Præcipe* for suffering a Common Recovery; this doth not extinguish his Term, because it was in him for another Purpose.

Lessee for Years is made Tenant to the *Præcipe*; this doth not extinguish his Term.

In the Case of *Dame Griffin and Stanhope, Cro. Jac. 455.* a Common Recovery was produc'd at a Trial; the Counsel on the other side press'd them to prove who was Tenant to the *Præcipe* at the Time of the Recovery; but the Court would not allow it, for it shall be intended a good Recovery;



Recovery; and if it were otherwise, the Proof ought to be made by the other Party.

Bargainee before Inrolment, a sufficient Tenant to the *Præcipe*,

In a Case, *Mich. 29. Car. 2.* amongst the Serjeants, it was held by *Ellis, Newdigate* and *Dolbin*. If Bargainee suffers a Recovery by Writ of Entry, *retorn' craftino Martini*, and after the Deed is inrolled; that in such Case the Bargainee was sufficient Tenant to the *Præcipe* before Inrolment, by this Relation subsequent, and that this Bargain and Sale may lead the Use of this Recovery. But *Raymond* doubted that the Inrolment coming after the Return of the Writ of Entry, came too late to make a Tenant to the *Præcipe*; and it was said 4000*l.* was lent upon this Title. *Vide infra, Hobart's Opinion*: And the Lord *Hobart*, in *Duncomb* and *Wingfield's Case*, is of Opinion, if the Defendant be Tenant to the *Præcipe*, either at the Time of the Writ purchased, or at the Return of it, it is sufficient.

A Stranger made Tenant to the *Præcipe* with Tenant in Tail.

A Recovery was held clearly good, altho' a Stranger, that had nothing in the Land, was made Tenant to the *Præcipe* with the Tenant in Tail; for the Recompence in Value shall go to him that lost the Estate; and being a common Assurance, it shall be favourably expounded. 1 *Vent. 358. Anonymus.*

Tenant for Life, and he in Remainder in Tail suffer a Common Recovery, in which they both vouch the Common Vouchee; this shall not bind the Estate-Tail, for he in the Remainder in Tail is not Tenant to the *Præcipe*, but the Tenant *pur vie*; and in Truth the Land is recovered against Tenant *pur vie* only, and the Recompence cannot vest in him in Remainder only, because the Land is in Truth recovered against Tenant for Life. *Leach and Cole's Case*, cited in *Cupledike's Case*. 3 *Rep.*

It

It was the Opinion of *Plowden* in *Manxell's* Case, if Tenant for Life be, the Remainder or Reversion over in Tail, if a Common Recovery be had against him in Remainder, or Reversion, it shall bar the Estate-Tail, was denied for Law by all the Justices; for there is not any Tenant to the *Præcipe*, but only by Admittance and Conclusion, which shall not bind the Issue in Tail. *Præcipe* against Tenant for Life, who voucheth him in Remainder in Tail, who voucheth the Common Vouchee, he in Remainder is barred. 1 *Anderson* 275.

*Wiseman* and *Jerning's* Case

By *Bridgman*, in his Argument in *Thomason* and *Mackworth's* Case. *Carter Rep.* 78. I bargain and sell Lands to you, and your Heirs; the Bargainee hath an Estate before Entry, and he is a good Tenant to the *Præcipe* in a Common Recovery, yet he cannot bring Trespass.

Bargainee before Entry, a good Tenant to the *Præcipe*.

A Common Recovery cannot be suffered where the Estate-Tail is expectant on an Estate for Life, (Tenant for Life not being made Tenant to the *Præcipe*) 1 *Vent.* 360. This is true in a Writ of Entry in the *Post*, which are commonly used; and the true Reason is, that such Writ supposeth a Disseisin) which cannot be, when there is a Tenant for Life in Possession.

This Case was put by *Montague*, the King's Serjeant, unto the Lord Chief Justice *Hobart*, when he took the Place of Lord Chief Justice in C. B. Tenant in Tail, the Remainder in Tail, the Remainder in Fee. Tenant in Tail is attainted of Treason, Office is found. The King by Letters Patent granteth the Land to A. who bargains and sells it by Deed to B. and B. suffers a Common Recovery, by which the Tenant in Tail is vouched, and afterwards this Deed

Bargainee before Inrolment, no good Tenant to the *Præcipe*.

Deed is inrolled; the Question was, if it were a good Bar of the Remainder? The Lord Chief Justice *Holt* was of Opinion, that it was no Bar of the Remainder, because, before Inrolment, nothing passed but by way of Conclusion, and the Bargainee was not lawful Tenant to the *Præcipe* *Godb. p. 218. 2 Inst. 675.*

If he in Reversion suffers a Recovery to divers Uses, his Heir cannot plead that his Father had nothing in the Land at the Time of the Recovery, for he is estopped to say, that he was not Tenant to the *Præcipe*; and agreed that it was a good Recovery against him by Estoppel. *Godb. 141. 4 Leon. 238. Cro. Eliz. 21.*

### *How and what is the Reason that Common Recoveries are a Bar.*

**I**T is said in *Hudson and Benson's Case per Hale*, that the Recompence in Value is the Reason of the Bar by Common Recovery against the Issue in Tail, but it is not the Reason of the Bar *quoad* him in Reversion, or him in Remainder; but the Reason of this is, that the Recoveror by Supposition of Law is in of the Estate-Tail, and he had in Judgment of Law a Continuance still; as at Common Law the Donee *post prolem suscitatus* might have aliened and barred the Donor; and a Common Recovery is as a Conveyance excepted out of the Stat. *de donis*, and the Recoveror is in of the Estate that the Vouchee had; but the Issue in Tail is barr'd of his Claimer in respect of the intended Recompence by the Recovery, and the Estate-Tail, having in Judgment of Law Continuance, nothing upon the Reversion or Remainder may

take



take Place; and this is the Reason of *Capel's* Case, that a Charge, made by him in Remainder, cannot take Place after the Recovery suffer'd by Tenant in Tail. 2 Lev. 27.

*What Things, or Estates, a Common Recovery will bar, or not.*

**I**T shall not avoid Acts or Charges, Rents or Conditions, made or granted by Tenant in Tail,

Tenant in Tail grants a Rent-charge, and then suffers a Common Recovery, the Rent-charge will not be avoided. A Recovery will not bar that, tho' it doth a Reversion, because the Estate of him that suffereth the Recovery is charged with the Rent. So if there be a Limitation of Use upon a Condition, and *cestuy que use* suffers a Recovery, that will not destroy the Condition, the Estate being charged with it; for the Recoveror can only have the Estate, as he that suffereth the Recovery had it; and so long as any one comes in by that Recovery, he comes in in Continuance of the Estate-Tail.

Tenant for Life, the Remainder in Tail, he in Remainder lets for Years, to begin after the Death of Tenant for Life; Tenant for Life after suffers a Recovery, with Voucher of him in Remainder in Tail, and dies. This Lease is not destroy'd, and the Lessee may well falsify this Recovery. But if Tenant in Tail, who had the Inheritance had suffer'd a Common Recovery, that should have destroyed all the Remainders and Reversions thereon depending, and all the Estates derived out of such Remainder. *Cro. Eliz. 218. Pledgard and Lake.*



*Rowland Moseley* covenants to levy a Fine of Lands, to the Use of himself, and the Heirs males of his Body, the Remainder in Tail to several others. Provided if there shall be a Failure of Issue male of his Body, and *Anne M.* be married or of the Age of twenty-one, then she shall have 200*l.* per Annum for ten Years. *Rowland* dies, leaving Issue *Edward*; *Edward* makes a Lease for a thousand Years, then levies a Fine, and suffers a Recovery, and dies without Issue Male, and the Contingents did happen. Now Tenant in Tail suffering a Common Recovery, a Rent by him in Remainder shall be barred; this Charge doth arise precedent to the Remainder, though subsequent to the Estate-Tail, and the Remainder for Years is barred, though it was some Question in Queen *Elizabeth's* Time. So long as the Rent doth not come within the Compass and Limitation of the Estate-Tail, the Rent is destroy'd, and the Lease for Years doth not preserve it, for it is not chargeable with it, 1 *Mod.* 108. *Benson* and *Hudson*, 2 *Lev.* 21. the same Case.

Gift in Tail determinable upon Non-payment of 100*l.*

A Man made a Gift in Tail, determinable upon his Non-payment of 100*l.* Remainder over in Tail to *B.* Tenant in Tail before the Day of Payment of the 100*l.* suffers a Common Recovery; by that he hath barred all, and hath Estate in Fee; by *Hale*.

Tenant in Tail reserving Rent, a Common Recovery will not bar it. If a Condition be for Payment of Rent, it will not bar it, *Benson* and *Hudson's* Case *supra*: But if the Condition be for doing a collateral Thing, it will bar.

*A.* gave

A gave Land to B in Tail, rendring Rent, B suffer'd a Common Recovery with Voucher, unto the Use of a Stranger and his Heirs; it was the Opinion of some, that the Rent remain'd, and it was said by *Hesketh*, Attorney of the Court of Wards, that it was lately the Case of the Lord *de la Ware*, that in such Case, notwithstanding such Common Recovery, the Donor should have the Rent, although that his Reversion was gone; but *Coke* was of Opinion, that the Rent was gone, for the Rent was incident to the Reversion, and there is not any Question, but that the Reversion is gone.  
3 Leon. p. 261.

If Tenant in Tail be with a Limitation, so long as such a Tree shall stand, a Common Recovery will bar that Limitation. *Benson's Case supra.*

In *Pell and Brown's Case*, Cro. Jac. 590. The Recovery could not bar the Possibility, for he was not Tenant in Tail that did suffer the Recovery, but he had only a Fee-Simple determinable, and the Contingent Remainder did not depend upon the Estate-Tail, nay, did not depend by Way of Remainder, but by Way of Contingency.

Tenant for Life, Remainder for Life, Remainder in Tail, Remainder in Fee; first Tenant for Life suffers a Common Recovery, the Estate-Tail is barred, though the second Tenant for Life is no Party. 1 Brownl. 34. but the Remainder in Tail must join.

Baron and Feme, Tenants in Special Tail, levy a Fine to the Use of him and his Wife in Special Tail, Remainder to Baron in Tail, Remainder over; in a *Præcipe* against the Conisee, he voucheth the Husband, who, as Vouchee,

Recovery of a  
Moiety, good;  
or a third Part.

comes in; and a Common Recovery passeth, this shall not bar the Reversioner in Fee. *2 Rot. Rep. 447. Duncomb and Wingfield.*

If a Man have Interest only in a third Part of a Mannor, and suffer a Recovery of the Moiety of the Manor, it is good for the third Part. *Cro. Car. 109. Ifham and Morris.*

A Recovery cannot destroy a Thing executory, which doth depend upon a Contingency.

Now, tho' a Lease to commence after an Estate-Tail is good, yet it may be barred by a Common Recovery. *Sid. p. 102. Goodyer and Clark.*

A Feoffment is made to the Use of himself for Life, and after to the Use of his eldest Son in Tail, and after to his right Heirs, he not having any Son at the Time of the Feoffment, he suffers a Recovery, and then had a Son, the Son shall not avoid the Recovery. *2 Leon. p. 224. Alit'* had there been Feoffees to preserve contingent Uses.

Tenant for Life, the Remainder to his eldest Son in Tail, a *Præcipe* is brought against them, and they suffer a Common Recovery by Common Voucher; this Recovery shall not bar the Remainder to the second Son. *Cro. Eliz. p. 670. Leech and Cole.*

The Words of the Will in *King and Melling's* Case, were, *I give my Land to my Son B. for his natural Life, and after his Decease, I give the same to the Issue of his Body lawfully begotten on a second Wife, and for want of such Issue to J. M. and his Heirs for ever, provided that B. may make a Jointure of all the Premises to such second Wife, which she may enjoy during her Life.* B. in the Life of his first Wife, suffers a Recovery to the

Use

Use of himself in Fee: By *Rainsford* and *Twisden* against *Hale*. 1 B. takes but an Estate for Life. And 2. That the Power to make a Jointure was destroyed by the Recovery; for Powers, appendant to Estates, as to make Leases, Jointure, &c. are destroyed by the Alteration of the Estate to which it is annexed in Privity; so that the Common Recovery being a Forfeiture of the Estate for Life, by consequence it is an Extinguishment of the Power. Here the Recovery doth not only bar the Estate, but all Powers annex'd to it; for the Recompence in Value is of such strong Consideration, that it serves as well for Rents, Possibilities, &c. going out of, and depending upon the Land, as for the Land it self. But *Hale* was of a contrary Opinion, because he conceived B. had an Estate-Tail. 1 Vent. 225.

At Common Law, a Recovery against Tenant for Life, with Voucher upon true Warranty (not by Covin) and Recovery in Value should bind him in Remainder; but it is resolv'd in *Pelham's Case*, 1 Rep. a Common Recovery had against Tenant for Life is a Forfeiture of his Estate, and the Act of 14 Eliz. doth not extend to preserve any Remainder or Reversion, expectant upon an Estate-Tail, where Tenant for Life is impleaded, and Tenant in Tail is vouched. 1 Rep. *Jenning's Case*.

A Rent reserved upon a Gift in Tail, is not barred, but remains as a collateral Charge upon the Land, distrainable of common Right. But if there had been a Condition of Re-entry this had been barred. 3 Co. *White* and *Gerish*.

Recovery had against Tenant for Life.



In 2 Lev. 30. in *Hudson and Benson's Case*, *Hale* said 9 *Eliz.* it was doubted, if Tenant in Tail be the Remainder for Years, and Tenant in Tail suffer a Recovery, if the Lease for Years shall be barred, because it was said no Recompence in Value shall go to this, being a Chattel; but he said constant Experience hath taken it that the Lease shall be barred.

*A. Tenant in Tail, Remainder to B. in Tail; B. gants a Rent-charge, A. suffers a Common Recovery, and dies without Issue, the Grantee distrains; the Alienee of A. brings a Replevin; Adjudged for the Alienee, by all the Judges of England, that a Common Recovery against a Tenant in Tail, shall bind not only the Remainder and all Leases, Charges &c. granted, or made by him in Remainder, but also the Reversion, and all Leases, Charges, &c. granted by him in Reversion. Capel's Case, 1 Rep.*

*Where a Common Recovery shall be good, notwithstanding a Grant to the Queen.*

**J.** *P. Tenant in Tail, Remainder in Fee to T. P. T. P. by Deed enrolled grants his Estate, Right and Remainder to Queen Eliz. in Fee, during the Life of J. P. and after his Death, so long as any Issue male of J. P. shall live. J. P. suffers a Common Recovery, and dies without Issue, T. P. enters Per Cur. The Common Recovery shall bar the Remainder of T. P. notwithstanding his Grant to the Queen; for the Grant to the Queen is void, because it can never come in Possession; for by the Death*

of 7. P. Tenant in Tail *sons* Issue, the Estate of the Queen is determin'd; but if such Grant of the Reversion had been made to the Queen, it had been good, because, during the first Entail, there shall be an Attendency for the Service, &c. *Telv. 249. Pool and Needham.*

Tenant in Tail of Lands, the Remainder to another in Fee, he in Remainder by Deed indented and enrolled in Consideration of Blood, &c. as for other good Considerations, doth covenant to stand seiz'd to the Use of himself, and the Heirs Male of his Body, and for Default thereof, to the Use of the Queen, her Heirs and Successors; after the Tenant in Tail in Possession suffereth a Common Recovery with Voucher. It was adjudg'd that the Issue in Tail was barred, for good Considerations are too general to raise an Use without Special Averment, that valuable or other good Consideration was given. Resolv'd also, that the Land should continue in his Name and Blood, is not a Consideration to raise an Use to the Queen, though the Limitation to her were for the Preservation of the Tail against Discontinuances and Bars, for there wants *Quid pro Quo.*

And admit the Consideration hath been sufficient to raise an Use to the Queen, yet that would not preserve the Estate-Tail by Force of the Act 34. H. 8. for no Estate-Tail is preserv'd by Force of the said Act, except the same Estate-Tail be of the Creation or Provision of the King, and not where the Estate-Tail is given or created by a common Person without Provision of the King, as may appear by the Preamble of the Act. 2 Rep. *Wiseman's Case, Moor, N<sup>o</sup>. 953.*

A Rent is devised to one *de novo*, and to the Heirs male of his Body, and for Default of such Issue to another, and the Heirs male of his Body; the first Devisee having no Heirs male, suffers a Common Recovery.

1. It was resolv'd, that a Rent *de novo* may be granted or devised to one for Life, the Remainder in Tail, the Remainder over.  
2. It was resolved, that the Recovery is good; and all agreed it to be a Remainder and not an executory Devise; as if he had said, If J. S. die without Issue, I devise J. D. shall have a Rent to him, and the Heirs of his Body; and if it were an executory Devise, it could not be barred by a Recovery; for it is clear he cannot have a Recovery, when there is no Privy in Law. *Car. Rep. 52. Smith and Farnaby.*

### Pleadings.

Who may falsify.

Estoppel.

A Recovery was suffered by Tenant in Tail in Remainder; it was agreed, it did not bind the Issue in Tail, but that he might falsify it; but if he in Remainder in Tail or Fee-simple suffer a Common Recovery, he and his Heirs cannot plead that they had *nihil in Tenementis*, but are estopped; for the Right and Estoppel concur upon one Heir, who is liable to the Estoppel of his Ancestor, as he is to inherit his Land: But it is not so of a Remainder or Reversion in Tail. *Moore N<sup>o</sup>. 402. Briset and Chamberlain*, and so is *Godb. N<sup>o</sup>. 189*. If he in Reversion suffers a Recovery to divers Uses, his Heirs cannot plead that his Father had nothing in the Land at the Time of the Recovery,

for he is estopped to say, that he was not Tenant to the *Præcipe*.

Error was brought on a Fine in *Lancaster* by Tenant in Tail; the Tenant in the Writ of Error pleads in Bar a Common Recovery had against the Cognisee of the Fine, with the Voucher of the Tenant in Tail; and it was resoly'd, that where Tenant in Tail comes in as Vouchee, he doth bar the Issue in the Writ of Error to reverse the erroneous Fine that he himself hath levied. *Moor 499. Barton and Lever.*

It is a necessary Form in Pleading a Fine or Recovery, which is a Record, to be pleaded entire whereas a Feoffment may be pleaded of Parcel of the Land only. *Hobart 24.*

The Forms of Pleading a Recovery, *Vide Lincoln College's Case. 3 Rep.*

*Note,* If one plead a Record, he ought to shew a Record at the Day appointed. *2 Rol. Rep. 133.*

One must plead a Recovery in an inferior Court specially, and not *Quod cum recuperasset*, as in the Superior Courts at *Westminster. 1 Keb.*

Recovery is a Record, and must be pleaded entire.

**Further**



*Further Observations on Recoveries, in certain Special Cases.*

**T**ENANT in Tail General, having Issue two Sons, the Eldest had Issue a Daughter, and died, his Wife with Child of a Son; the Father suffer'd a Common Recovery to the Use of himself for Life, the Remainder to the Recoverors for twenty-four Years, the Remainder to the Heirs male of his Body; the Recovery was had returnable *Octob. Mich. 9 Octob.* Upon that Day in the Morning the Tenant in Tail died, and after a Son was born, and if the Uncle, or Son new born, or the Daughter, should have the Land, was the Question of all the Justices. It was resolv'd, that the Issue male of the Body should have it; for if it be by Purchase, because of the mean Estate for Years, the Uncle may not have it; for he that takes it must be Heir, as well as Male; and the Daughter of the Eldest Son is Heir; and it shall be to her by Discent till the Son is born; and by all the Justices, the Recovery is well executed against the Issue in Tail, because of the Recovery in Value. *1 Rep. Shelley's Case.*

Tenant for Life  
suffers a Recovery by Voucher of him in  
Remainder.

Tenant for Life, the Remainder in Tail, the Remainder in Fee; Tenant for Life suffered a Recovery by Voucher of him in Remainder in Tail, who vouched the Common Vouchee: It was resolved in the Exchequer-Chamber, in a Writ of Error, that the Remainder in Fee was barred, as well as if the Tenant in Tail had been the

Tenant to the first *Præcipe*. Moore, N<sup>o</sup>.

953.

1 *Lev.* 104. it was moved in *B. C.* If a Common Recovery be to pass at the Bar, and the Tenant is ready at the Bar, and voucheth *A.* to Warranty, for whom he is ready at Bar to appear for the Vouchee by his Warrant of Attorney: It was holden, that this Appearance was meerly void, for in this Case the Vouchee must appear in Person, because without Summons; but where Summons issueth, and it is enter'd upon the Roll, there the Vouchee, at the Return, may appear in Person, or by Attorney, at his Election; and this was the Opinion of all the Justices and Prothonotaries.

THE

Tenant to the first Precise. Moore, No.

1. Let. 104. it was moved by B. C. If a Common Recovery be to pass at the Bar, and the Tenant is ready at the Bar, and voucheth to Warranty, for whom he is ready at Bar to appear for the Vouches by his Warranty of Attorney: It was holden, that this Appearance was merely void, for in this Case the Vouches must appear in Person, because without Summons; but where Summons issued, and it is entered upon the Roll, there the Vouches, at the Request, may appear in Person, or by Attorney, at his Election; and this was the Opinion of all the Justices and Prothonotaries.



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ibid.

*And of several Manors, Messuages, Mills, Dove-houses, Gardens, Land, Meadow, Pasture, Wood, Furze and Heath, Moor, Marsh, Alder, Rent, free Fishing, Liberty of Foldage, Courts-Leet, View of Frank-Pledge, a Rectory, and the Advowsons of a Church, and the Vicaridge of a Church in Norfolk*

ibid.

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APPENDIX

To the Treatise of  
*Fines and Recoveries, &c.*

FOR the better Illustration and Explanation of the precedent Treatise, it has been thought necessary to collect such Modern Cases and legal Resolutions as are to be met with in our Books, relating to the Subject Matter of the said Treatise; and to add the same thereto by way of *Appendix*, in such a Method as that they may with Ease be reduced to their proper Heads and Titles, according as the Figures in the Margin hereof respectively refer.

And first as to Fines, the following Cases may be thus reduced, *viz.*

A *Fine* is said to be an Instrument on Record, &c. and *Note*, in our Books it is commonly call'd a Feoffment of Record. But see *Salk.* 340. where the Court denied a Fine to be a Feoffment of Record, and said 'twas im-

a pro-

Pag. 12.  
*A Fine, how a Feoffment of Record.*



## An APPENDIX

properly so called; but that the Meaning was that it had the Effect of a Feoffment to some Purposes, if he that levied the Fine, was seized of the Freehold at the Time of levying it.

Note also, A Fine is said to be the most effectual Feoffment of Record where 'tis a Feoffment; and the most effectual Release where 'tis to be a Release. 2 Mod. 110. Vide *Fines sur concessit*, *infra*.

Pag. 2. Marg.  
May be levied  
in any Real  
Writ or Action.

'Tis said a Fine may be levied on a Writ of Right, or *Warrantia Chartæ*, &c. So in *Salk.* 340. 'tis resolved, a Fine may be levied on a Writ of Right Close or other Writ in any Real Action, but not on an Original in a Personal Action; and that the Common Writ of Covenant, on which a Fine is levied, is not a Personal but a Real Action: For tho' it is to have Damages for a Breach of Covenant, as in Personal Actions, yet it is to have an Execution and Performance of the Covenants by Seisin of the Land. *Vide 5 Co.* 59. *F. N. B.* 146. *F. 2 Inst.* 514. *Kel.* 90. 1 *And.* 71. b. 4 *Inst.* 207.

Pag. 3.  
*Fines sur concessit*, their  
Nature, &c.

The Kinds of Fines are enumerated, and the Nature of a Fine *sur concessit*, in part shewn. To which may be added what is said 2 Mod. 111, 112. That a Fine *sur concessit* has been always taken to be the most harmless (and of less Operation in the Law) than any other, and compar'd only to a Grant of *totum statum suum, & quicquid habet*, &c. by which no more is granted than what the Conuzor had at the Time of the Grant, and consequently that it shall not work a Disseisin (to a third Person.) Also, that no more shall pass by such a Fine, than what lawfully may (without Prejudice to another.) And rather than it shall be construed to work a Wrong, the Estate



state shall pass by Fractions, and the several Interests remain separate, notwithstanding such Fine. 2 Mod. 112.

Indeed there is Fine *sur concessit* which expresses no Estate of the Grantor, and this is properly levied by Tenant in Fee or in Tail, (and passes the whole Estate, &c.) But when particular Tenants pass over their several Estates by such Fine, they generally grant *Totum & quicquid habent in Tenementis predictis*; not expressing what particular Estates they have therein. *Ib.*

Another kind thereof.

Note, When this Fine was first invented, the Judges, in those Days, looked upon the words *quicquid habent*, &c. to be insignificant; and therefore 17 E. 3. 66. they were rejected: Where two Husbands and their Wives levied such a Fine with those words; and the Judge would not pass it, because if the Parties had nothing in the Land, nothing pass'd by such Fine. *Vide 44 E. 3. 36, &c. accord. Vide plus de hoc arguendo. 2 Mod. 110, 111, 112, &c.*

Its Operation when first invented.

To what is said of Fine *Sur Done, Grant & Render*, add the Case of *Price vers. Langford, Pas. 2 W & M. Intr. Hil. 2 & 3 Jac. 2. B. R. Rot. 1059. viz. H. seised in Fee, as Heir of the Part of his Mother, together with his Wife, levied a Fine to A. and B. with Warranty; and A. and B. by the same Fine, did grant and render the Lands to the Husband and Wife in Tail, Remainder to the Heirs of the Husband: The Husband and Wife die sans Issue; and the Question was, whether the Heir a parte paterna, or a parte materna should take the Lands by this Fine? It was argued, a parte Materna, that the Sei-*

Pag. 4, 5.  
A Fine with Grant and Render, is tantamount to a Feoffment and Re-feoffment and creates a new Estate.

fin of the Conuzee is fictitious; for if the Conuzee were Tenant for Years, the Term would not thereby be extinguished; and that he is like to a Surrendree of a Copyhold, nothing but a meer Instrument; and therefore that nothing was altered by the Fine, but that the Use and Estate remained as before. But on the other side it was said, that the Conuzee could not *render*, if he had not the Estate in him; and that the *Render* was a Re-infeoffment: And of that Opinion was the Court, who held, that the Estate was (by this *Fine*) once *put* in the Conuzee, and the Fine and Render is a Conveyance at Common Law, and the Render makes the Conuzor a new Purchaser, as much as a Feoffment and Re-enfeoffment at Common Law. 1 *Salk.* 337.

Pag. 5, 6, &c.  
Fines Sur conuzance de Droit come ceo, &c.  
Tho' they imply a Fee-simple, yet may be qualified by an express Limitation.

And as to Fines *Sur cognizance de Droit*, &c. it is to be observed, that this kind of Fine is intended whenever a Fine is generally mentioned throughout the Book.

Also Note the fourth Resolution in the Case of *Hunt and Bourn, Hill. Annæ B. R. viz.* that a Fine *sur Conuzance de Droit come ceo que il ad de son Done*, generally implies, that a Fee-simple passes thereby: But it is only so by Implication; and therefore there is no Repugnancy to limit an Estate for Life, &c. to the Conuzee. For the Generality of the precedent Donation, may be thereby expressed to be for Life only, or in Tail: And the general Intendment of the Conuzance may be qualified by an Express Limitation. *Vide* 41 *E.* 3. 14. *Co. Lit.* 9. b. 1 *Salk.* 340, 341.

Touching

## OF FINE S, &c.

5

Touching the Concord of a Fine, it is to be observed, That a Fine shall be said to be of the same Term the Concord was made, (*i. e.* if the King's Silver be paid:) As was resolved in the Case of *Lloyd vers. Viscount Say and Seal. Mich 10 Annæ B. R.* where a Fine was thus, viz. *Hæc est finalis concordia facta in Curia Regis apud Westm. a die Sancti Mich. in tres Septiman. Anno decimo Will. Tertii, coram Tho. Trevor, &c. Et postea in Crast. Sanctæ Trinitat. 1 Annæ concess. & recordat. coram eisdem Justiciar.* So that the Concord was of one Term, and the *Recordat.* of another Term following; and therefore the Question was, Of which Term this should be said to be a compleat Fine? And *per Cur.* 'Tis a Fine of that Term the Concord was made, and of which the Writ of Covenant was returnable: For the *Concordia facta in Cur.* is the compleat Fine; and the *Concessit Recordat.* is only the Leave of the Court to inroll it. *Vide 6 Co. 68. Hob. 330. 2 Vent 47. 1 Salk. 341.*

Pag. 21, 23, 25.  
A Fine is of that Term the Concord is made, and Writ of Covenant returnable.

And to this Purpose is the Case of *Warncomb and Carril*, cited in 3 *Mod. 141.* which was, Husband and Wife, levied a Fine of the Wife's Land by *Dedimus*, in Lent-Vacation, she being then but Nineteen Years of Age: But the King's Silver was entered in *Hillary* Term before, and she died in the *Easter* Week; and upon Motion the first Day of *Easter* Term to stay the Engrossing of the Fine, the Court denied it; for they held it to be a good Fine.

Husband and Wife. Vide p. 138, 145.  
So where by a Feme Covert dying before the Inrollment.

But see a Fine levied by an Infant vacated without any Writ of Error. 3 *Lev. 36.*

Vacated for Infancy.



Pag. 162, 163.  
Error to reverse  
a Fine, the Cog-  
nizor dying af-  
ter the Caption,  
and before it  
passed the  
King's Silver  
Office.

And so was the Case of *Ball vers. Cock*.  
*Mich. 3 Jac. 2. in B. R.* where a Writ of  
Covenant was tested the first Day of Trinity  
Term, returnable *tres Trinitatis*, and taken by  
*Dedimus 30 Julii*; and the Cognizor died af-  
ter the Caption, and before the Enrollment at the  
King's Silver Office. And in Error to reverse  
it for that Cause, it was said, That tho' a  
Fine *Sur Connissance de droit*, &c. is said to be  
levied when the Writ of Covenant is returned,  
and the King's Silver duly entered; and that  
such Fine is good, tho' the Cognizor dies after-  
terward: As *Dy. 230. 5 Co. 37. Cr. El. 469.*  
Yet if the King's Silver be not entr'd, &c.  
such Fine may be reversed by Writ of Error;  
for that it is an Action and Judgment, and  
Death of either Party abates it. But the Court  
held the Fine good notwithstanding: The  
Record being *Placita Terræ irrotulat' de Term.*  
*Sanctæ Trin. Anno primo Jac.* And that the  
Suggestion in Error was an Averment against  
a Record. *Vide 3 Mod. 140, 141.*

Note, The  
King's Silver  
was endorsed as  
of Hillary  
Term.

Error where one  
of the Cognizors  
died before the  
Return of the  
Writ.

But in the Case of *Okel vers. Hodgkinson*  
*Pasf. 2 Jac. 2. B. R.* The Father and Son join  
in a Fine, in order to make a Settlement up-  
on the second Wife of the Father, who was  
only Tenant by Curtesy, the Remainder in  
Tail to the Son; and one of the Cognizors  
died after the Caption, and before the Return  
of the Writ of Covenant; and in a Writ of  
Error this was assigned for Error: And *per*  
*Cur.* If it had been in the Case of a Pur-  
chaser for a valuable Consideration, the Court  
would have interpos'd, and shewed him some  
Favour; but here it being to do a Wrong to  
the young Man, they would leave it open to  
the Law.

Tenant by Cur-  
tesy.

Note,

*Note*, Where a Husband entituled to be Tenant by the Curtesy levies a Fine with his Wife, his Right is thereby extinguished. 5 Mod. 67. *Vide infra*.

The precedent Treatise has also in Part shewn the divers Effects and Operations of a Fine, and how it bars both Privies and Strangers, and how it works sometimes by Estoppel, and sometimes by Discontinuance, and sometimes by Extinguishment of Right, &c. To which may be added these Observations, viz.

*First*, A Fine of Lands in *ancient Demesne* works a Discontinuance but is no Bar; this appears by the third Resolution in the Case of *Hunt and Bourn, Hill. 1 Ann.* where the Court held, that a Fine levied in the Court of *Ancient Demesne* may work a Discontinuance, tho' that Court is not a Court of Record; for the Discontinuance is because the Freehold is recovered in the Action; For every Recoveror recovers a Fee-simple, and a Recovery of a Fee-simple must work a Discontinuance. But tho' such Fine be a Discontinuance, yet 'tis not a Bar to an Intail. For it is by the Stat. 4 H. 7. c. 24. That a Fine with Proclamations shall bar an Estate-tail, and no Fine but a Fine with Proclamations is within that Statute, nor can bar an Estate-tail. 1 Salk. 240.

Secondly, *A Fine levied by a Remainder Man in Tail binds by Estoppel*. This Rule seems to have been admitted *arguendo* in the Case of *Hollis vers. Carr. Pas. 28 Car. 2. in Cancellaria*, where 'tis said, That it would be very hard to decree the Execution of the Fine in that Case; for that the Father of the Defen-

Page 135, 137, 150, 151.  
Effects of a Fine.

Bar. Ancient Demesne. Discontinuance.

Stat. 4 H. 7.

Fine by a Remainder-Man in Tail good by Estoppel.

dant was alive when the Defendant executed the Deed; and the Father who never sealed it being Tenant in Tail, the Son who sealed could have no present Right: And how could a Court of Equity decree a Fine in that Case, whereby a Right may indeed be extinguish'd, but can never be transferred, and by which no Use can be declared? For tho' such Fine be good by Estoppel before the Estate-tail descends to the Issue; yet no Use can be declared thereupon. 2 Mod. 90.

*But no Uses can  
be declared  
thereon, &c.*

Vide infra.

*If levied by  
Issue in Tail it  
extinguishes his  
Estate. 32 H. 8.  
c. 36.*

Thirdly, *A Fine levied by the Issue in Tail is an Extinguishment of that Estate.* This Rule has been often held, as appears by the Case of *Symonds and Cudmore*. Hill. 2 W. & M. in B. R. 4 Mod. 4, & 5. And the Reasons and Authorities there cited, See also *Show*. 370. That upon the Stat. 32 H. 8. c. 36. (*That a Fine levied of Lands entailed on the Cognizor, or any of his Ancestors, shall be a Bar against the Person and his Ancestors claiming by Force of such Entail.*) It has been often held that a Fine levied by a Remainder Man in Tail, during the Estate of a Tenant for Life, was an Extinguishment of the Entail.

*Yet the Lease of  
Tenant in Tail  
good, the Com-  
mencing after  
his Death, &c.*

Fourthly, *Yet a Lease made by Tenant in Tail dying before the Commencement shall be good against a Fine levied by such Issue or Remainder Man in Tail:* As was agreed in the same Case of *Symonds and Cudmore* *Jutr.* Hill. 5 W. & M. Rot. 743. Which as it is reported in 1 Salk. 338. is thus, viz. In Ejectment a special Verdict found *A.* Tenant in Tail in Reversion after a Lease for Years, Remainder to Issue in Tail in Fee. *A.* made a Lease to commence at a Day to come, and died before

fore



fore the Day having Issue, who afterwards, and before the said Day, levied a Fine: And agreed *per tot. Cur.*

First that the Remainder in Fee stood chargeable with this Lease, and it should have been served out of the Remainder in Fee, had the Tenant in Tail died without Issue.

Secondly, that the Estate-tail was extinct by the Fine, as much as if Tenant in Tail were dead without Issue; for these Reasons, *viz.*

*Vide infra.*

1. Because two Fees immediately expectant one upon another cannot subsist in the same Person. 2. Because by 32 H. 8. c. 36, The Fine is declared to be a Bar and a Discharge of the Estate-tail. 3. Because the Stat. of West. 2. having made Estates-tail a kind of particular Estates, they are (the Protection of the Statute being gone by the Fine) like all other particular Estates, subject to Merger and Extinguishment, when united with the absolute Fee. And several Cases are there put to prove it.

*St. 32 H. 8.*

*St. West. 2.*

And by that Book three Judges deny'd *Co. Lit. 46. b.* and held the Issue in Tail had Election either to avoid or affirm the Lease, and that by *Westm. 2.* but that the Conzee had not. For that the Power and Privilege is personal and cannot be transferred. But *Note*, Holt Chief Justice differed and held the Lease actually void *quoad* the Issue, as if Tenant in Tail make a Lease; and that as by Law no Act is necessary to be done to avoid the Lease, so the Fine in this Case does not prevent its being void.

*Vide infra No. 7.*

Fifthly, Where a Husband entituled to be Tenant by Curtesie levies a Fine with his Wife, his

*Fine by three, and reversed by two only.*



his Right is extinguished. This Rule is laid down *obiter* in the Case of *Winchurst and Masely. Mich. 7 W. 3.* On Motion to quash the Party's own Writ of Error brought to reverse a Fine, for that one of the Parties to the Fine, was omitted in the Writ of Error. The Court refus'd it saying, they could take Notice of nothing but what was on the Record, and not of a foreign Suggestion; and cited a Case where a Fine being levied by three, two of them brought Error and revers'd it; for perhaps the other has nothing in the Land.

*Fine by Tenant by Curtesie, extinguishes his Right.*

But if one entitled to be Tenant by the Curtesie joins with his Wife in a Fine of those Lands, to which he is so entitled; *Quære* Whether his Title to be Tenant by Curtesie be not extinguish'd, if the Fine be revers'd after her Death? Indeed if it be revers'd in her Life-time he may have a new Title. But if he makes a Feoffment on Condition of her Lands, and she dies, and then the Condition is broken, shall he be Tenant by Curtesie? *Quasi diceret, non. 5 Mod. 67.*

*Fines working by Disseisin.*

Sixthly, *Fines may operate by Disseisin where they can have no other Interpretation.* In the Case of *Piggot vers. the B. of Salisbury. Mich. 28 Car. 2.* 'tis said to be agreed, that Fines may work a Disseisin when they can have no other Interpretation; as if Tenant *per antea* levies a Fine to a Stranger for his own Life 'tis more than such a Tenant could do, because his Estate was only during the Life of another, and no longer. So a *Fine sur Conscience de droit, &c.* implies a Fee, which being levied by any one who has but a particular Estate will make a Disseisin. *2 M. 112. sed vide supra.*

Seventhly,

Seventhly, But in the same Case. 2 Mod. 117. 'Tis said that in Case of a Fine a Lease for Years is an Impediment, or displacing of the Reversion. For if Tenant in Tail Expectant upon a Lease for Years levy a Fine, 'tis a Discontinuance of the Tail; and notwithstanding the Lease, the Fine has such an Operation upon the Freehold, that it displaces the Reversion in Fee. Co. Lit. 32. Vide supra. *Where it de- vests or dis- places an Es- tate.*

Eighthly, *Where one is in Possession by virtue of a particular Estate for Life, &c. and excepts a greater Estate, it shall not divest the Estate of those in Remainder for Life, so as the same may be barred by Fine and Non-claim.*

This Rule seems to be cleared *arguendo* in the Case of *Smith and Pierce. Pasch. 4 Jac. 2. B. R.* Where a Term for Years was devised for Payment of Debts with a Remainder over in Tail; he in Remainder enters and levies a Fine and settles the Land and his Wife for Life, and dies, the Wife survives, and the Debts not paid, and 'twas insisted the said Term was not barred by this Fine and Non-claim, *sed adjournatur.*

But in the Argument of the same Case this further Case seems to be proved, *viz.* Where a Lease is for 100 Years in Trust to attend the Inheritance, and *Chestui que trust* being in Possession, demises to another for fifty Years, and levies a Fine, and five Years pass, the Term of a hundred Years is divested by such Fine and Non-claim, and is turned to a Right, and so bar'd. *Vide 3. Mod. 195, 196.*

Touching the Time of Claim, *vid. Lib. 142.*

And where a Fine shall work by Remitter. *vide Lib. 12.*

The

Page 159.

The next Subdivision of the Treatise is that touching the *Uses* of a Fine; to which may be added the following Rules.

*Deeds of Uses  
Subsequents.*

First, *Where the Uses are declared by a subsequent Deed, varying from the Fine (in some small Circumstance) there the Parties and their Heirs are bound, but not Strangers.* This Rule seems to be proved *arguendo* in the Case of *Jones v. Morley. Pasch. 6 W. & M. in B. R. 4 Mod. 263, 264.*

*Precedent.*

Secondly, *But where the Deed of Uses is precedent, and the Fine levied afterwards, varies from the Deed, the Fine stands single, and all the Parties may aver against the Uses, as appears by the same Case of Jones versus Morley. Vide ibid.*

*Uses Variant.*

Thirdly, and where two Deeds of Uses are made at several Times between the same Parties of the same Land, but varying in the Limitation, &c. The Uses of the Fine levied afterwards shall be guided by the last Deed. This was adjudg'd in the said Case of *Jones versus Morley. 4 Mod. 263, 269.* and the same affirmed in the House of Lords.

Fourthly, see also the Case of *Davies versus Speed. Inter. Hill. 3 W. & M. B. R. Rot. 261.* Where Husband and Wife covenanted to levy a Fine of the Wife's Land to the Use of the Heirs of the Body of the Husband on the Wife begotten. And held *per cur.* That the Limitation of the Uses was void. See the Reasons 2 *Salk. 675.* And note the Case in *Bridgman 112. cited 4 Mod. 267.* Where the Uses of a Fine to be levied by Husband and Wife were declared by two Deeds precedent but variant *inter se*: And adjudged, the Uses should be guided by the first Deed, because



ause 'twas proved the Wife disagreed to the matter.

The next Division is touching the Avoiding or Reversal of Fines by Writ of Error, &c. Page 161, 162.  
To which may be added these Rules, viz.

First, *That a Writ of Error de Recordo quod coram vobis, &c. lies in B. R. on Affirmance* Reversal of Fines by Error, &c.  
*there of a Fine levied in C. B. This was resolved in the Case of Winchurch and Belwood.*  
*Pasch. 4 W. & M. B. R. vide 1 Salk. 337, 338.*

Secondly, *And yet the Writ of Error in B. R. to reverse a Fine in C. B. removes the Transcript only, and not the Record it self.* See the same Case. *1 Salk. 337, 338, and the Case of Fazakerly and Baldo. ib. 341.*

Thirdly, *But if the Court of B. R. adjudge the Fine erroneous, then a Certiorari goes to the Chirographer to certify the very Fine, and when it comes up it is actually cancelled.* Per Holt Chief Justice, in the said Case of Fazakerly, &c. *1 Salk. 341.*

Fourthly, *And on Error to reverse a Fine a Scire facias must go against the Tertenants; for the Conusees are (often) but nominal Persons.* Per Cur. Hill. 6. W. 3. in B. R. *1 Salk. 339, and 2 Salk. 598.* The same Rule is affirmed and said to be for fear of Purchasers, and in favour of them: And tho' in Strictness of Law a *Scire facias* being returned against the Conuzees is sufficient, yet the Course of the Court is to have it also against the Tertenants. *1 Salk. 339.*

Fifthly, *But in some Cases a Fine may be reversed or vacated without Writ of Error; as was done in Hutchinson's Case. Mich. 33. Car. 2. in C. B. Where H. and his Wife (she being an* By Inspection of Infant sans Writ of Error.



an Infant of sixteen Years) levied a Fine of her Lands, and paid the King's Silver and got the Fine perfected and exemplified; but on the Complaint of him in the Remainder in Fee depending upon the Estate-tail of the Wife; the Husband and Wife were brought into Court by Rule and examined, and thereupon the Levying of the Fine and the Infancy appeared, and the Infant's Father and Mother came also into Court, and prayed that the Fine might stand; and tho' *Maynard* for them insisted, that it ought not to be vacated, the King's Silver being paid, yet on View of the Roll in *Pierpoint's Case. Hill. 4 Jac. 1. Rot. 70.* and other Precedents cited, the Court vacated this Fine, and caus'd the Exemplification thereof to be brought into Court and delivered up, and order'd him in Reversion to prosecute an Information against the Commissioners who took the Conuzance of the Fine. But *note*, the Vacate was entered *quoad* the *Feme tantum*. And in *Trin. 34 Car. 2.* another Fine levied by Sir Robert *Massam* and his Wife an Infant, was vacated for the same Cause. *Vide 3 Lev. 36.*

Page 166.  
*Pleading.*

Touching Pleas to a Fine, See the several ways of pleading a Fine in the Case of *Hudson* *vers.* *Benson*, 2 *Lev. 31.*

Page 167,  
*Execution.*

And as to the Execution of a Fine, See the Case of *Lever* *vers.* *Hosier*. 2 *Mod. 48, 49.* where 'tis held *per Cur. 1st.* That a Fine or Recovery of Lands in a *Lien comus*, is good.

And 2<sup>dly</sup>. That in a *Sci. fa.* to have Execution of such a Fine, the Vill must be named.

And

And Lastly, Both as to Execution of a Fine and Attornment thereupon, see what is said in the Case of *Pigot and Lee*, 2 Mod. 117.

And herewith I shall conclude the first Part of these Additions touching Fines, and next proceed in the same Order with that of *Common Recoveries*.

Of

## Of Common Recoveries.

Page 170, 171.  
Common Recoveries when  
first invented.

Estates-tail on  
what Occasion  
introduced.

Stat. de Do-  
nis Condi-  
tionalibus.

IN the Introduction of this Part of the foregoing Treatise, it is partly shewn how and upon what Occasion Common Recoveries were first invented: And *note*, the Occasion was for barring Estates-tail when they became inconvenient, &c. To which may not improperly be added that short History of Estates-tail and Common Recoveries which is given in the Argument of the Case of *Brown, versus Waite. 2 Mod. 131, viz.* As to the Creation of Estates-tail there were no such Estates at Common Law, they were all Fee-simple conditional, and *post prolem suscitata*, the Condition was performed for three Purposes, *viz.* First, To alien. *Co. Lit. 19 a. 2 Inst. 334.* Secondly, to forfeit. Thirdly, to charge the Land with a Rent. And thus the Law continued till 13 *Ed. 1. cap. 1. de donis.* And there having been frequent Wars between that King's Predecessors and their Barons, and consequently many Forfeitures of Estates thereby, the great Men of the Realm then obtained that Statute in Order to preserve their Estates, if the like Occasion should happen again.

Now that Statute only mentions that the Tenant in Tail should not have Power to alien; but it was well known, that if he could not alien, he could not forfeit; for before that Statute, as he might alien *post prolem suscitata*,



*talam*; so the Judges always construed that he might forfeit. 5 E. 3. 14. For Forfeiture and Alienation did always go Hand in Hand. 1 Co. 175. And from the Making of that Statute it always continued a settled Opinion, That Tenant in Tail could not alien (and consequently could not forfeit) until by 12 Ed. 4. a Recovery came in by which the Estate-Tail may be docked, &c.

Common Recov-  
eriet.  
12 E. 4.

After this by the Stat. 4 H. 7. c. 24. Tenant in Tail might bar his Issue by a Fine with Proclamations; but all this while it was never thought that such Lands could be forfeited for Treason, and this Opinion continued all the Reign of H. 7. For though by his Marriage the Houses of York and Lancaster were united, yet the Great Men in those Days thought there might be some Doubt about the Succession after his Death, if he died without Issue, whereby these Differences might be again revived, and therefore no Endeavours were used to make any Alteration in the Law 'till after the Death of H. 7. And after his Son H. 8. had Issue, (&c.) those Doubts were removed, and being never likely to rise again, then the Act of 26 H. 8. was made, which gives a Forfeiture of entailed Lands in Cases of Treason.

Stat. 4 H. 7.  
c. 24.  
Forfeiture of  
entailed Lands.

Stat. 26 H. 8.

To what Purposes a Recovery, Fine, &c. are respected as Common Conveyances. See 2 Lev. 29, 55.

Common Con-  
veyance.

b

To



Page 175, 176.

*Tenants in Tail  
and in Remain-  
der vouched  
jointly.*

To the Rules touching Vouches, &c. may well be added what was observed by *Holt* Chief Justice, in the Case of *Page* ver. *Hayward*. Trin. 3 Ann. in B. R. 2 Salk. 571. 572.

First, *That Tenant in Tail and he in Remainder may be vouched jointly*: For if the Tenant to the *Præcipe* vouches the Tenant in Tail in Possession, and him in Remainder jointly, and they jointly vouch over the Common Vouchee; this is good; not but that it may be more regular for him to vouch the Tenant in Tail separately, and the Tenant in Tail to vouch him in Remainder, and he in Remainder to vouch over the Common Vouchee; that so the Recovery in Value may not be joint but enure severally; yet the other Way is sufficient: For where in an adversary Action a *Præcipe* is brought against several, 'tis enough that one of them has the Tenancy of the Land; and if he would plead that he is sole Tenant, and traverse the others having any Thing therein, the Demandant may admit that, and yet proceed as to him, and the Writ shall only abate as to the rest; also the others may disclaim; And as joining a Stranger with a Tenant does not hurt, so joining a Stranger with a Vouchee shall not; for he is but *in Loco Tenentis*, a Tenant by the Warranty. 20 E. 3. 10. 2 E. 3. 8. Bro. Several Tenancy; 3, 4. 19 H. 6. 14. Rast. 276.

*Tenant to the  
Præcipe vou-  
ches a Stranger,  
who vouches Te-  
nant in Tail.*

Secondly, If the Tenant vouches a Stranger who vouches Tenant in Tail, and he enter into Warranty, 'tis good. As if the Tenant in Tail makes a Tenant to the *Præcipe* who vouches a Stranger, and the Stranger vouches the

the Tenant in Tail, and he the Common Vouchee; this is good, and his being a Stranger is not material, because in Judgment of Law he is become Tenant (by the Voucher) to the *Præcipe*, and a Release to him will be good, whether there be a real Warranty or no. And at Common Law, if a Stranger was vouched, the Demandant could not counterplead it; but by *Westm. 1. c. 40.* he may if he be absent counterplead the Voucher, *viz.* That the Vouchee and his Ancestors never had any Thing in the Land, *but not if present.* And in a Common Recovery it is enough that the Tenant in Tail comes in and owns a Warranty, for there may be a Warranty *sans Seisin, &c.* As suppose an adversary Action against Tenant in Tail, who has a Warranty, and he makes a Feoffment in Fee with Warranty; or levies a Fine with Warranty, and the Feoffee or Conuzee vouch the Tenant in Tail, he may make Use of this Warranty; and yet he was not seised of the Estate-tail; but in that Case he may dereign the Warranty and then he recovers in Recompence of his Estate-tail. For

Thirdly, *Whenever Tenant in Tail comes in as Vouchee, he comes in Privy of all Estates he ever had, and consequently may dereign the Warranty ut supra. Vid. 1 Inst. 385. a.* And in that Case *supra* the Chief Justice also said, that the Vouchee's being a Stranger was not material, because tho' there be no real Warranty, yet the Recovery in Value is the same; and the Admittance of the Tenant in Tail has made it real. 2 *Salk. 571.*

Warranty.

Sans Seisin,  
&c.

Tenant in Tail  
as Vouchee is  
in Privy of  
all his Estates.

Pag. 172, 304.

And to what is said touching the End and Effect or Operation of Common Recoveries may be added the fourth Resolution of the Court in the before-mention'd Case of *Page and Hayward*, 2 Salk. 570, viz. *That a Condition that runs with the Land, cannot be barr'd by a Common Recovery; aliter, of a Condition Collateral.* In that Case there was a Devise to *M.* and the Heirs Males of her Body, on Condition she marry'd with and had Issue by one of the Name of *Searle*; and in Default of both Conditions, to *E.* in like manner; and in Default thereof, to *G. Searle* for sixty Years, if he so long lived; Remainder to his Heirs Males in Fee. *M.* and *E. C.* the Husband of *E.* join in a Fine to make one *J.* Tenant to the *Præcipe*; *J.* vouches *M.* and *E.* and *E.*'s Husband, and the Wife of the Devisor, and her second Husband, all jointly, and they all the Common Vouchee; and resolved *per tot. Cur.*

To A. and the Heirs of her Body by one of the Name of S. is a Tail.

1. That the Devise to *M.* and the Heirs of her Body by one of the Name of *S.* was a good Estate-tail; and so was the Devise to *E.* But it is a special Entail, a middle Entail, not the highest nor lowest; for it might have been to her and the Heirs male of her Body begotten by *J. S.* which had been more particular, and yet a good Entail within the Stat. *de Donis*; for 'tis within the Reason of it.

Words expressing a Condition taken as a Limitation.

2. The words *upon Condition*, &c. tho' they are express words of Condition, shall yet be taken as a Limitation in a Will; as in 1 Vent. 199. 202. (And the Ch. Just. said, he saw no Reason why they should not be so con-



construed in a Deed) and so the Sense is, that if she has no Issue by one S. at her Death, the Estate should remain over to E.

4 That the Estate-tail of M. and E. or either of them, did not cease by marrying one of another Name; for the Remainder over is in Default of both Conditions; and in the mean Time 'tis limited to her and the Heirs Males of her Body; and she may survive her first Husband, and marry an S. after: And so there is a Possibility as long as she lives.

*That the Tail did not cease by marrying one of another Name.*

4 And if the Estate had been to M. and the Heirs Males of her Body, by a Searle to be begotten; *Provided and upon Condition* if she marry any but a Searle, that then it shall remain to J. N. and his Heirs; yet a Common Recovery suffered before Marriage, will bar the Estate-tail and all Remainders; and tho' she after marry with another, it shall not avoid the Recovery. And the Court took a Difference between a Condition collateral, and a Condition that runs with the Land: As if a Donor reserve a Rent with a Condition to re-enter for Non-payment, a Recovery will not bar it: But otherwise, if it be to re-enter for Non-payment of a Sum in gross. 2 Salk. 570, 571.

*Conditions collateral barred by Recoveries.*

*Vide 1 Mod. 108, 111. C. infra.*

The next Head that should regularly follow, is touching Bars by Common Recoveries, and what Things, Estates, or Persons, are barr'd thereby: And hither, besides what is observ'd *supra*, may aptly be referr'd the Case of *Hudson and Benson*, 2 Lev. 28, 29, 30. Where a Feoffment was made to the Use of A. in Tail; and if he dy'd without Issue,

*Pag. 324, 325. What barr'd by a Recovery.*



to the Use, that *B.* should have a Rent. *A.* makes a Lease for Years, and after suffers a Common Recovery. And 'twas resolv'd per *Wylde* Justice.

*A Contingent  
Rent.*

1<sup>st</sup>. That the Recovery had barr'd this contingent Rent, because it had barr'd all the Estates chargeable thereto. But agreed, if it had been granted precedent to the Feoffment, it had not been barr'd.

2<sup>d</sup>. That a Rent reserved on a Gift in Tail, is not barr'd by a Recovery, tho' a Condition of Re-entry is.

3<sup>d</sup>. Where there is an Estate-tail and a Remainder for Years, a Recovery may bar both. Also, that the Reason why Recoveries bar an Estate-tail, is not now the Recompence in Value, but for that they are Common Conveyances. And Note there fol. 230. the different Reasons of their being a Bar, *quoad* the Issue in Tail, and *quoad* the Remainder.

Vide post.  
una Ratio,  
sed non uni-  
ca.

Pag. 308.  
Recoveries by  
Baron and  
Feme.

In the next Place, to what is said of Recoveries by Husband and Wife, may be added, the Case of *Hains* vers. *Barley*, Pasch. 8. W. 3. 5 Mod. 210, 211. where 'tis admitted, that a Recovery cannot be suffered to bar an Estate-tail, where there is an Estate for Life in Jointure, without the Feme joins therein. And 2<sup>dly</sup>. The Case of *Clithero* vers. *Franklin* & *Ux.* Pas. 2 W. & M. C. B. Rot. 207. where 'twas adjudged, that where an Estate is to *A.* and his Wife for Life, Remainder to the Heirs Males of *A.* on the Wife begotten, *A.* cannot dock this Estate by a Recovery, during his Wife's Life, 2 Salk. 568. Note, that Case was thus, viz. The Grandfather had covenanted to stand seized to the Use of himself and his Wife for their Lives; Remainder to the Heirs

Heirs Males of the Grandfather, on the Body of his said Wife begotten, with other Remainders over: The Grandfather suffered a Common Recovery, and died, and his said Wife survived. And for this Recovery, 'twas insisted, that *Owen and Morgan's Case* was not Law; for if Baron and Feme had an Intirety, then each had the whole, and the Baron might make a Tenant to the *Præcipe* for the whole. But *econtra* 'twas said, that the Case was never yet questioned; and that the Wife's Estate hinders the Intail from executing (or vesting) in the Husband absolutely; so that it is only a kind of contingent Estate after the Death of his Wife; and the Intail cannot be tacked to the Estate for Life of the Husband during the Life of the Wife; because, during her Life, there is an intervening Estate; and adjudg'd accordingly. 2 *Salk.* 568. *Vide* 1 *Sid.* 83. & *prox. Casum.*

160, 320.  
*Vid.* 3 *Co.* 6.  
and *Manxel's*  
*Case in Plowd.*

And as to Recoveries by Infants, &c, add first the Case of *Stokes and Oliver. Pas.* 8. *W.* 3. 5 *Mod.* 109, 110. Where a Common Recovery being suffered by an Infant Feme Covert, was reversed; and the Error assign'd was, that she being Vouchee and under Age, *had appear'd by Attorney*: And 'twas said, if she had vouched in Person or by Guardian, it should not have been reversed for Error after full Age, because a Guardian is made by the Court, who will not admit of any one but such as shall be answerable for the Loss the Infant may sustain through his Default. But an Attorney is made by the Party, and an Infant is not supposed to have Discretion enough to choose an Attorney who will be

Page 319.  
*By Infant Feme*  
*Covert Revers'd.*

*Vid. Hob.* 197.  
*Cre. Car.* 307.  
*Bridg.* 73.  
1 *Roll. Abr.* 731.  
751, 752.  
1 *Sid.* 322.

faithful to him; and therefore she having here appeared by Attorney, and suffered a Recovery, it shall be reversed to the same after she comes of Age; because it shall be try'd by the Country, whether the Warrant of Attorney was made when under Age or not?

Neither can the Husband, tho' of full Age, make an Attorney for himself and his Wife, who is under Age, so as to bind the Inheritance of the Wife: But she being the Principal, must be barred by her own Act; and therefore must appear in Court in such manner as the Law hath directed, by reason of her Infancy. And it may be a Question, whether she can be barred by an Act of her own besides that of a Fine; for she is not examined in a Common Recovery; but she is in a Fine.

*Examined in  
Fine.*

But this is not like the Case of a Fine levied by an Infant, for that cannot be reversed but by the Infant himself during his Nonage: For it being the Act of the Court to suffer such a one to levy a Fine, the Court must therefore reform the same by Inspection, which cannot be after full Age. 5 Mod. 210.

*Precedents of  
Recoveries by  
Infants.*

Add also the Case of Sir John St. Alban, Trin. 1. W. M. in C. B. — He being of the Age of Nineteen, his Sister, (who was next in Remainder, and also his Heir) having married one of his Footmen, he petitioned the King for Leave to suffer a Recovery, who referred it to the Judges of C. B. before whom several Precedents of such Recoveries, suffered by Privy Seals, were cited, viz. One Biwamy, 1 Junii, 10 Car. 1. One Young, 23 Nov. 17 Car. 1. Another 13 Car. 1. Another



Another 14 Car. 2. Another 1 Jac. 2. And two others 2 Jac. 2. and another by John, the Son of Sir John Croke, 10 Car. 2. But the Judges observed, that seven of these Petitions were by Fathers upon the Marriage of their Sons, and an equal Recompence given; whereas here was neither Father nor Marriage, to induce this Recovery—and said, that this Matter had been carried too far already, and therefore disallow'd it. 2 Salk. 567. *Vide Hob. &c. supra.*

The next Thing that naturally follows is, touching the avoiding or falsifying Recoveries, or rather of the Reason of their Reversal. But this Matter touching Reversal of Recoveries, having been in part touched on before *ad* Pag. 319. in Margin. I shall only here add the Anonymous Case of Pasch. 10. W. 3. in B. R. where a Recovery having been reversed in B. R. that Reversal was also there reversed; and so the Recovery remained good, viz. A Writ of Error was brought in this Court to reverse a Common Recovery, and there was a *Sci. fa.* issued against all the Tertenants, and they made Default; whereupon it was reversed: But it appearing afterwards, that the Plaintiff in the Writ of Error had no Title, there being a Remainder-man before him, the Court reversed their former Reversal. *Quod nota.* 5 Mod. 397. *Pag. 314. Reversing and avoiding of Recoveries.* *A Reversal reversed.*

See a Common Recovery reversed without any *Sci. fa.* to the Tertenants. 3 Mod. 319. But that Case seems not good; for it is agreed in the same Book, pag. 274. That there must be a *Sci. fa.* against both the Heir and Tertenants, when a Writ of Error is brought to reverse a Recovery, &c. *Vide* 3 Mod. 274. 1 Salk. 339. 2 Salk. 598. *Scire fac.*

Note,



*Fine reversed,  
yet the Reco-  
very good.*

*Note,* also the Case of *Lloyd versus Evelyn*. *Pasch. 5 W. & M. B. R.* In Error to reverse a Common Recovery. It appeared that the Tenant to the *Præcipe* was made by a Fine, and that the Recovery was suffered, but the Fine was afterwards reversed: And yet 'twas held a good Recovery, for there was a good Tenant to the *Præcipe* at the Time it was suffered. 2 *Salk.* 568. and *Vide 2 Salk. Ib.* the Case of *Lacy versus Williams*, that if the Tenant to the *Præcipe* has the Freehold at any time before Judgment, it is sufficient. *Vide infra.*

Page 321.

*Note,* These last Cases may also be referred to the Head touching *Tenants to the Præcipe.*

Page 312.  
Of pleading  
Tenants to the  
Præcipe, &c.

As to the Head of Pleadings in Common Recoveries, add the Case of *Hakeman versus Blackwel. Pasch. 28. Car. 2. in C. B.* Where in a *Quare Imped.* the Plaintiff entitled himself to an Advowson by a Recovery suffered by Tenant in Tail; and in pleading the Recovery, he alledges two to be Tenants to the *Præcipe*, but does not shew how they became so, or what Conveyance was made to them by which it may appear they were Tenants: And after Search of Precedents, the Court inclin'd it was not well pleaded, but gave no Judgment. 2 *Mod.* 70. See this Case also reported in 1 *Mod.* 219. and the Argument of *Strode* for the Plea: And the Opinion of *Pemberton*. & *Cur. contra.*

*If the Tenant  
has the Free-  
hold at any  
time before  
Judgment, 'tis  
good.*

And *Note,* The before-mention'd Case of *Lacy versus Williams, Trin. 11. W. 3. B. R.* was, viz. In Error of a Judgment in Ejectment

ment in *C. B.* where a special Verdict found, that a Writ of Entry was brought against *M. C.* returnable *Quind. Martini*, that on the Return he appeared, and the Demandant counted against him, that he vouched *Lacy* the Tenant in Tail, and a Summons *ad Warrantizand.* Issue returnable *Octab. Paris.* After the *Teste* and before the Return of the Summons, *viz. 1 Jan. Lacy* the Tenant in Tail, conveyed to *M. C.* by Lease and Release for Life: And at the Return thereof *Lacy* appeared and entered into Warranty, and vouched over the Common Vouchee, and so a Recovery was had.

And this being held good in *C. B. Pratt* (Serjeant) for the Plaintiff in Error insisted in *B. R.* that *M. C.* was not Tenant to the *Præcipe* at the Return of the Writ of Entry: He agreed, if he had purchased before the Return thereof, the Recovery had been good (*aliter*, if after, as here) to bind Strangers, or the Issue in Tail, though it might be good between the Parties by way of Estoppel. *Vide 1 Rol. 868. 21 E. 3, 5. 5 H. 6. 1. 18 E. 4. 26. 9 E. 4. 12. 3 H. 6. 34. Ratio.* Because the Tenant could not Render the Lands at the Return of the Writ of Entry; and a Voucher always supposes a Seisin: For 'tis always a good Counter-plea, that the Voucher had nothing at the Time of Voucher, and the *Nec nunquam postea* is not material: And if the Tenant pleads not *Non-tenure*, as he might and ought, that only binds himself, and those that are Parties and claim under him by Estoppel.

Counter-plea of  
Voucher.

Non-tenure.

Econ-

*Econtra* argued, the Issue shall be bound where he may have Execution for the Value, as 3 Co. 5, 6. 12. E. 4. 19. And 'tis not a sufficient Counter-plea of Voucher, to say the Voucher had nothing *Tempore, &c.* without adding *Nec nunquam possea*. *Rast.* 367, 126. And so it is of *Non-tenure*, *Rast.* 273. Where the Tenant appears on the Return of the Writ of Entry and a Recovery is then had, *there* the Tenant must have the Feehold in him at the Return of the Writ, because 'tis a Recovery then suffered: But otherwise, where there is a Voucher over, or Interpleader as in this Case, for there it is sufficient if he become Tenant before Judgment. 41 E. 3. 5. 8 E. 3. 32. 10 E. 3. 2. And of this last Opinion, both as to the Counter-plea of Voucher, *Non-tenure*, &c. was *Holt Ch. Just.* 2 *Salk.* 51.

*Interpleader.*

*Vide 1 Mod.*  
218.

And he also held, that if the Tenant to the *Præcipe* gains a Freehold before Judgment, 'tis sufficient, for it can't be said to be a Recovery against him that had nothing, and therefore a Writ may be made good by a subsequent Purchase, and so may a Voucher; and 'tis the more reasonable, because the Demandant may have a good Cause of Action, tho' the Tenant have not the Land; for 'tis not his being Tenant to the *Præcipe*, but the Demandant's having a Right to the Land, that is the Foundation and Cause of the Action; and therefore 'tis sufficient in Law, if the Tenant have the Land to render at any Time before Judgment. And the Judgment was affirmed, *nisi causa*.

And



And afterwards Cause was endeavoured to be shewn why Judgment should not be affirmed, and for that Purpose was cited. 18 E. 3. 13. 18 E. 4. 26. and 2 Roll. 764. *sed non allocatur*: And then Holt Chief Justice further observed, that the Recompence in the Case of Common Recoveries was *Ratio una*, but *non unica*, why they barr'd; for a Reversion expectant is thereby barr'd, and yet the Recompence cannot extend to that; which he said was a bold Advance in Favour of Common Recoveries. *And the Rule made absolute*. See also concerning Pleading in a common Recovery the Case of *Leigh v. Leigh. Hill. 3 W. & M. in C. B. in 2 Lutw. 1548, 1549, &c.*

*A Reversion Expectant barr'd.*

*Recompence Ratio una, non unica.*

To those further Observations touching Recoveries, with which the precedent Treatise concludes, may be also added these that follow, *viz.*

Page 334

*First*, Where a Common Recovery is suffered of Lands in S. and the Liberties thereof, it shall pass Lands in another Vill within the same Liberty, tho' such other Vill be not expressly named. 1 Mod. 206. *vide* 2 Mod. 47, 48, 49.

*Lands in Liberties.*

*Vills.*

*Secondly*, Where there is a Parish and a Vill within the Parish of the same Name, and a Recovery is suffered of Lands in the Vill without naming the Parish, but the Parish is named in the Indenture to lead the Uses, they make but one Conveyance, and the Lands in the Parish pass as well as those in the Vill. 2 Mod. 233, 234. *vide* 1 Mod. 250, 251, &c.

*Parish.*

*Thirdly*, See the Case of *Jones v. Morley. Pasch. 6. W. & M. in B. R.* where the Uses of

*Uses.*

a



a Fine or Common Recovery having been declared by a former Deed, were afterwards changed by a subsequent Deed which controlled the former. 4 Mod. 261, 262, &c. *Vide antea of the Uses of Fines.* And this Judgment was afterwards affirmed on a Writ of Error in the House of Lords. *Vide Parliament Cases, 140, 146.*

Some further Observations might here be made touching the Uses of Common Recoveries; but the same for the most Part having been already taken Notice of in that Part of these Additions which relates to the Uses of *Fines*, the Reader is desired to have Recourse thereto, the same being generally also applicable to Recoveries, *mutatis mutandis.*



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